

A Legall Vindication
Of the Liberties of England,
AGAINST
ILLEGALL TAXES
And pretended Acts of Parliament
Lately enforced on the PEOPLE:

O R,

*Reasons assigned by WILLIAM PRYNNE of
Swainswick in the County of Sommerſet, Eſquire, why he
can neither in Conſcience, Law, nor Prudence ſubmit to
the New illegall Tax or Contribution of*

Ninety Thouſand pounds the MONTH;

*Lately impoſed on the Kingdom, by a pretended Act
of ſome Commons in (or rather out of) Parliament.*

ESAY 1. 7. *He looked for Judgment, but behold Oppreſſion;
for Righteouſneſs, but behold a Cry.*

PSAL. 12. 5. *For the Oppreſſion of the poor, for the Sigh-
ing of the needy; now will I ariſe (ſaith the Lord) and will
ſet him in ſafety from him that would enſnare him.*

EXOD. 5. 5, 6. *I have alſo heard the groaning of the chil-
dren of Iſrael, whom the Egyptians keep in bondage;
and I have remembred my Covenant. Wherefore ſay unto
the children of Iſrael, I am the Lord, and I will bring
you out from under the Burdens of the Egyptians; and
I will rid you out of their Bondage: and I will redeem
you with a ſtretched out arm, and with great Judgments.*

ECCLES. 4. 1, 2. *So I returned and conſidered all the Op-
preſſions that are done under the Sun, and beheld the te-
rs of ſuch as were oppreſſed, and they had no Comforter; and
in the hand of their Oppreſſors there was power, but they
had no Comforter: Wherefore I praiſed the dead which are
already dead, more then the living which are yet alive.*

London, Printed for Robert Hoſges, and are to be ſold by him. 1649.

C^o 40.9.17.

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of ſuch as were oppreſſed, and they had no Comforter; and
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OF THE LIBRARY OF THE
A. B. C. C. C.
ALL GALL TAXES





REASONS Assigned by WILLIAM PRYNNE, &c.

Being on the 7th of this instant June 1649 informed by the Assessors of the Parish of *Swainwick*, that I was assessed at 2 l. 5 s. for three months Contribution, by vertue of a (pretended) *Act of the Commons assembled in Parliament*, bearing date the seventh of April last, assessing the Kingdom at ninty thousand pounds monthly, beginning from the 25 of March last, and continuing for six months next ensuing, towards the maintenance of the Forces to be continued in England and Ireland, and the paying of such as are thought fit to be disbanded, that so Free-quarter may be taken off; whereof 3075 l. 17 s. 1 d. ob. is monthly imposed on the County, and 2 l. 5 s. 3 d. on the small poor Parish where I live; and being since, on the fifteenth of June required to pay in 2 l. 5 s. for my proportion: I returned the Collector this Answer, That I could neither in Conscience, Law nor Prudence in the least measure submit to the voluntary payment of this illegall Tax, and unreasonable Contribution, (after all my unrepaired losses and sufferings for the publick Libertie) amounting to six times more then SHIP-MONEY, (the times considered) or any other illegall Tax of the late beheaded King, so much declaimed against in our three last Parliaments, by some of those who imposed this. And that I would rather submit to the painfulllest death and severest punishment the Imposers or Exactors of it could inflict upon me by their arbitrary power (for illegall they had none) then voluntarily pay, or not oppose it in my place and, calling to the uttermost, upon the same, if not better reasons, as I opposed (a) Ship-money, Knight-hood, and other unlawfull Impositions of the late King and his Council hereofore. And that they and all the world might bear witness, I did it

B

not

a) See my humble Remonstrance against Ship-money.

not from meer obstinacy or fullennesse; but out of solid real grounds of *Conscience, Law, Prudence*, and publick affection to the weal and liberty of my native Country (now in danger of being enslaved under a *new vassallage*, more grievous then the worst it ever yet sustained under the late, or any other of our worst Kings) I promised to draw up the Reasons of this my refusal in writing, and to publish them, so soon as possible, to the Kingdom for my own *Vindication*, and the better information and satisfaction of all such as are any wayes concerned in the imposing, collecting, levying or paying of this strange kinde of Contribution. In pursuance whereof, I immediatly penned these ensuing *Reasons*; which I humbly submit to the *impartial Censure* of all *conscientious and judicious Englishmen*; desiring either their *ingenious Refutation*, if *erroneous*; or *candid Approbation*, if *substantiall and irrefragable*, as my *conscience and judgement* perswade me they are, and that they will appear so to all *impartial Persons*, after full examination.

First, By the fundamental Laws, and known Statutes of this Realm, No Tax, Tallage, Ayd, Imposition, Contribution, Loan or Assessement whatsoever, may or ought to be opposed or levied on the free men and people of this Realm of *England*, but by the WILL and COMMON ASSENT of the EARLS, BARONS, Knights, Burgesses, Commons, and WHOLE REALM in a free and full PARLIAMENT, by ACT OF PARLIAMENT: All *Taxes, &c.* not so imposed, levied (though for the common defence and profit of the Realm) *being unjust, oppressive, inconsistent with the Liberty and Property of the Subject, Laws and Statutes of the Realm*; as is undenyably evident by the expresse Statutes of *Magna Charta*, cap. 29, 30. 25.E.1.c.5.6. 34.E.1. *De Tallagio non concedendo*, cap.1. 21.E.3. Rot. Parl. n.16. 25.E.3. c.8. 36.E.3. Rot. Parl. n.26. 45.E.3. Rot. Parl. n.42. 11.H.4. Rot. Parl. n.10. 1.R.3.c.2. The *Petition of Right*, and Resolutions of both Houses against *Loans*, 3 *Caroli*: The Votes and Acts against *Ship-money, Knight-hood, Tonnage and Poundage*, and the *Star-chamber* this last Parliament, 17. & 18. *Caroli*. And fully argued and demonstrated by Mr. *William Hackwell* in his *Argument against Impositions*; Judg *Hutton* and Judg *Crook* in their *Arguments*, and Mr. *St. John* in his *Argument and Speech against Ship-money*, with other *Arguments*.

garments and Discourses of that Subject: Sir Edward Cook in his 2 Instit. (published by Order of the Commons House) pag 59. 60. &c 527. 528. 529. 532. 533 &c. with sundry other Records and law-books cited by those great Rabbies of the Law, and Patriots of the Peoples Liberties. But the present Tax of Ninety Thousand pounds a Month, now exacted of me, was not thus imposed. Therefore it ought not to be demanded of, nor levied on me; and I ought in conscience, law and prudence to withstand it as unjust, oppressive, inconsistent with the Liberty and Property of the Subject, Laws and Statutes of the Realm.

To make good the Assumption, which is only questionable.

First, This Tax was not imposed in, but out of Parliament, the late Parliament being actually dissolved above two months before this pretended Act by these Tax-imposers taking away the King by a violent death, as is expressly resolved by the Parliament of 1 H. 4. Rot. Parl. n. 1. by the Parliament of 14 H. 4. and 1 H. 5. Rot. Parliam. n. 26. Cook 4 Institutes p. 46. and 4. E. 4 44. b. For the King being both the Head, beginning, end and foundation of the Parliament (as *Modus tenendi Parliamentum*: and Sir Edward Cooks 4. Instit. p. 3. resolve) which was summoned and constituted only by his writ now (b) actually abated by his death: and the Parliament (as it is evident by the clauses of the severall Writs of Summons to (c) the Lords, and for the election of Knights and Burgeses, and levying of their wages) being onely PARLIAMENTUM NOSTRUM, the Kings Parliament that is dead not his Heirs and Successors; and the Lords and Commons being all summoned and authorized by it to come to HIS PARLIAMENT, there to be present, and conferre with HIM (NOBIS CUM, not His Heirs and Successors) of the weighty urgent affaires that concerned (NOS) HIM and HIS KINGDOME of England; and the Knights and Burgeses receiving their wages for, *Nuper ad NOS ad PARLIAMENTUM NOSTRUM veniendo, &c. quod summoneri FECIMUS, ad tractandum ibidem super diversis & arduis Negotiis NOS & Statum REGNI NOSTRI tangentibus*, as the tenor of the (d) Writs for their wages determines. The King being dead, and his Writ and Authority by which they are summoned, with the ends for which they were called (to confer with HIM, about HIS

b See 1 E. 6. cap. 7. Cook 7. Report. 30. 31. Dyer 165. 4 Ed 4. 43. 44. 1 E. 5. 1. Brook Commission. 19. 21. c. *Cromptons Jurisdiction of Courts.* fol. 1. Cook 4. Instit. p. 9. 10.

d 5 Ed. 3. m. 6. part. 2. Dors. Claus. Regist. f. 192. 200.

HIS, and **HIS KINGDOMS** *affairs, &c.* being thereby absolutely determined, without any hopes of revivall; the Parliament it self must thereupon absolutely be determined likewise (especially to those who have dis-inherited **HIS HEIRS** and **SUCCESSORS**, and voted down our Monarchy it self) and these with all other Members of Parliament, cease to be any longer Members of it, being made such only by the Kings abated Writ; even as all Judges, Justices of peace, and Sheriffs made only by the Kings Writ or Commission, not by Letters Patents, cease to be Judges, Justices, and Sheriffs by the Kings death, for this very reason, because they are constituted *Justiciarios & Vicecomites NOSTROS ad Pacem NOSTRAM, &c. custodiendam*; and he being dead, and his Writs and Commissions expired by his death, they can be his Judges, Justices, and Sheriffs no longer to *preserve* HIS Peace, &c. (no more then a wife can be her deceased Husbands Wife, and bound to his obedience, from which she was loosed by his death, *Rom. 7. 2, 3.*) And his Heirs and Successors they cannot be, unlesse he please to make them so by his new Writs or Commissions, as all our

c) 4 Ed. 4 44.
1 E. 7. 1. Brook
Commissions.
19. 21. & Offi-
cer, 25. Dyer.
165. Cook 7.
Report. 30. 31.
1 E. 6. c. 7. Dal-
tons Justice of
Peace, c. 3 p 13
Lambert. p. 71

(e) *Law-books* and Judges have frequently resolved upon this very reason, which equally extends to Members of Parliament, as to Judges, Justices and Sheriffs, as is agreed in 4 E. 4. 43, 44. and *Brooke, Office and Officer*, 25. Therefore this Tax being clearly imposed not in, but out of, and after the Parliament ended by the Kings decapitation, and that by such who were then no lawfull Knights, Citizens, Burgeses or Members of Parliament, but onely private men, their Parliamentary Authority expiring with the King, it must needs be illegall, and contrary to all the fore-cited Statutes; as the Convocations and Clergies Tax and Benevolence granted after the Parliament dissolved in the year 1640. was resolved to be by both Houses of Parliament, and those adjudged high Delinquents who had any hand in promoting it.

2. Admit the late Parliament still in being, yet the House of Peers, Earls and Barons of the Realm were no ways privie nor consenting to this Tax, imposed without, yea, against their consents in direct affront of their most ancient undubitable Parliamentary Right and priviledges, (these Tax-masters having presumed to vote down and null their very House, by their new en-
croached

croached transcendent power) as appears by the title and body
 of this pretended Act, entituled by them, *An Act of THE
 COMMONS assembled in Parliament*: Whereas the House
 of Commons alone, though full and free, have no more lawfull
 Authority to impose any Tax upon the people, or make any Act
 of Parliament or binding Law without the Kings or Lords con-
 currence, then the man in the Moon, or the Convocation, *Anno*
1640. after the Parliament dissolved (as is evident by the
 expresse words of the fore-cited Acts, the *Petition of Right* it self;
 Acts, for the *Trienniall Parliament*; and against the proroguing
 or dissolving this Parliament, *17. Caroli*: with all our printed
 Statutes, (f) *Parliament-Rolls*, and (g) *Law-Books*:) they
 neither having nor challenging the sole Legislative power in any
 age; and being not so much as summoned to, nor constituting
 members of our (b) *ancient Parliaments*, (which consisted of the
 King, and Spirituall and Temporall Lords, without any Knights,
 Citizens or Burgeses, as all our Histories and Records attest) till
49 H. 3. at soonest; they having not so much as a Speaker or Com-
 mons House, til after the beginning of King *Ed. the third's* reign,
 and seldom or never presuming to make or tender any Bills or
 Acts to the King or Lords, but Petitions only for them to redress
 their grievances and enact new Laws, til long after *Rich. the se-*
conds time, as our Parliament Rols, and the printed prologues to
 the Statutes of *1. 4. 5. 9. 10. 20. 23. 36. 37. and 50. Ed. 4. 1 Rich. 2.*
1. 2. 4. 5. 7. 9. 11. 13. Hen. 4. 1. 2. 3. 4. 8. 5. Hen. 3. 1. 2. 3. 4. 6. 8.
9. 10. 11. 14. 15. 29. 38. 39. Hen. 6. 1. 4. 7. 8. 12. 17. 22 Ed. 4.
and 1 Rich. 3. evidence (which run all in this form, *At the Par-*
liament holden, &c. by THE ADVICE and ASSENT OF
THE LORDS SPIRITUALI and TEMPORALL
and at THE SPECIALL INSTANCE and RE-
QUEST OF THE COMMONS OF THE REALM,
(BY THEIR PETITIONS put in the said Parliament,
as some prologues have it.) Our Lord the King hath caus'd to be
ordained, or ordained CERTAIN STATUTES, &c.)
 where the advising and assenting to Lawes is appropriated to the
 Lords; the ordaining of them to the King; and nothing but the
 requesting of, and petitioning for them to the Commons, both
 from King and Lords, in whom the Legislative power principally,
 if not solely resided; as is manifest by the printed Prologue to the
 Sta-

(f) 14. R. 2. n.

45. 11. H. 4. n.

30. 13. H. 4. n.

25.

(g) 4. H. 7. 18.

b. 7. H. 7. 27.

16. 11. H. 7. 27.

Fortescue c. 18

f. 20. Dyer. 92.

Brook. Parlia-

ment. 76. 127.

Cooks 4. In-

stitutions, p. 25.

(h) See the

Freeholders

grand inquest,

and my Plea

for the Lords.

Statute of *Merton*. 20. *Hen.* 3. The Statute of *Mortmain* 7 *Ed.* 1. 31. *Ed.* 1. *De Asportatis Religioforum*, the Statute of *Sheffs.* 9. *E.* 2. and of the *Templers*, 17 *E.* 2. to cite no more. Therefore this *Tax* imposed by the Commons alone without King or Lords, must needs be void, illegall, and no ways obligatory to the subjects.

(i) Cooks 4.
Institutes p. 1.

3. Admit the whole House of Commons in a full and free Parliament had power to impose a *Tax*, and make an Act of Parliament for levying it without King or Lords; (which they never did, nor pretended to in any age) yet this Act and *Tax* can be no ways obliging, because not made and imposed by a full and free House of Commons, but by an empty House, packed, swayed, overawed by the chief Officers of the Army, who have presumed by meer force and armed power, against law and without president, to seclude the major part of the House (at least 8 parts of 10) who by law and custom are the House it self, from sitting or Voting with them, contrary to the Freedom and priviledges of Parliament; readmitting none but upon their own terms. An usurpation not to be paraleld in any age, destructive to the very being of Parliaments; (i) *Where all Members ex debito justicie, should with equal Freedom meet and speak their minds*: injurious to all those Counties, Cities, Boroughs, whole Knights, Citizens and Burghesses are secluded, and to the whole Kingdom; yea, contrary to all rules of reason, justice, policy, conscience, and their own, *Agreement of the people*, which inhibit the far lesser part of any Councel, Court, or Committee, to overway, seclude or fore-judge the major number of their Assessors and fellow-members, over whom they can no ways pretend the least jurisdiction, it being the highway to usher Tyranny and confusion into all Councels & Realms, to their utter dissolution, since the King alone without Lords and Commons, or the Lords alone without King or Commons, may by this new device make themselves an absolute Parliament to impose Taxes and enact Laws without the Commons, or any other forty or fifty Commoners meeting together without their companions do the like, as well as this remnant of the Commons make themselves a compleat Parliament without King, Lords, or their fellow-Members, if they can but now or hereafter raise an Army to back them in it, as the Army doth those now sitting.

4. Suppose this *Tax* should binde these Counties, Cities, and Boroughs

Burroughs, whose Knights, Citizens and Burgesſes ſate and conſented to it when impoſed, (though I dare ſwear impoſed againſt the minds and wils of all or moſt of thoſe they repreſent; (who by the ¹ Armies new Doctrin, may juſtly queſtion and revoke their authority for this high breach of Truſt; the rather, becauſe the Knights and Burgesſes aſſembled in the firſt Parliament of 13.E.3. Rot.Parl. n 8. Did all reſuſe to grant a great extraordinary Subſidie then demanded of them (though not comparable to this) for the neceſſary deſence of the Kingdom againſt foreign Enemies, till they had conferred with the Countiees and Burroughs for which they ſerved, and gained their aſſents:) Yet there is no ſhadow of Reaſon, Law or Equity, it ſhould oblige any of the ſecluded Members themſelves, whereof I am one; or thoſe Countiees, Cities or Burroughs, whoſe Knights, Citizens and Burgesſes have been ſecluded or ſcared thence by the Armies violence, or ſetting Members illegall Votes for their ſecluſion; who abſolutely diſavow this Tax and Act as un-parliamentary, illegall, and never aſſented to by them in the leaſt degree; ſince the onely (1) reaſon in Law, or equity, why Taxes or Acts of Parliament oblige any Member, Countiee, Burrough or Subject, is, becauſe they are parties, and conſenting thereunto either in proper perſon; or by their choſen Representatives in Parliament; it being a received Maxime in all Laws, *Quod tangit omnes, ab omnibus debet approbari*. Upon which reaſon it is judged in our ^m Law-books, That By-Laws oblige onely thoſe who are parties, and conſent unto them, but not ſtrangers, or ſuch who aſſented not thereto. And (which comes fully to the preſent caſe) in 7. H. 6. 35. 8. H. 6. 34. Brook Ancient Demefne 20. & Parl. 17. 101. It is reſolved, That ancient Demefne is a good plea in a Writ of Waſte upon the Statutes of Waſte, becauſe thoſe in ancient Demefne were not parties to the making of them, FOR THAT THEY HAD NO KNIGHTS NOR BURGESSES IN PARLIAMENT, nor contributed to their expences. And Judge Brook Parliament 101. hath this obſervable Note, *It is moſt frequently found, that Wales and Countie Palatines, WHICH CAME NOT TO THE PARLIAMENT* (in former times, which now they do) SHALL NOT BE BOUND BY THE PARLIAMENT OF ENGLAND: for ancient Demefne is a good Plea in an action of Waſte, and yet ancient Demefne is not excepted: and it is enacted, 2. Ed. 6. cap 28. That Fines and

Declarat.
Nov. 28. & 30.
1648.

1) 39. Ed. 3. 7.
2. H. 7. 10.
Brook Parl. 26.
40. Cook 4. In.
tit. p. 1. 25, 26.
1 Jac. cap 1.
m) 49. E. 3. 18,
19. 21. H. 7. 4.
Brook Cu-
ſtoms 6. 32.

Procla.

*Proclamation shall be in Chester, for that the former Statutes did not extend so it: And it is enst d, That a Fine and Proclamation shall be in Lancaster. 5. & 6. Ed. 6. c. 26. And in a Proclamation upon an exigent is given by the Statute in Chester and Wales, 1. E. 6. c. 20. And by another Act to Lancaster, 5. & 6. E. 6. c. 26. And the Statutes of Justice of Peace extended not to Wales and the County Palatine; and therefore an Act was made for Wales and Chester, 27. H. 8. c. 5. who had Knights and Burgesses appointed by that Parliament for that and future Parliaments by Act of Parliament, 27. Hen. 8. cap. 16. since which they have continued their wages being to be levied by the Statute of 35. H. 8. c. 11. Now, if Acts of Parliament bound not Wales and Counties Palatines, which had anciently no Knights nor Burgesses in Parliament to represent them, because they neither personally nor representatively were parties and consenters to them; much lesse then can or ought this heavey Tax, and illegall Act to binde those Knights, Citizens and Burgesses; or those Counties, Cities and Burroughs they represented, who were forcibly seclused, or driven away from the Parliament by the confederacy, practice, or connivance at least, of those now sitting, who imposed this Tax, and passed this strange Act; especially, being for the support and continuance of those Officers, and that Army who traiterously seised and seclused them from the House, and yet detain some of them prisoners, against all Law and Justice. The rather, because they are the far major part (above six times as many as those that fate and shut them out) and would no wayes have consented to this illegall Tax, or undue manner of imposing it, without the Lords concurrence, had they been present. And, I my self, being both an unjustly imprisond and seclused Member, and neither of the Knights of the County of *Somerfet*, where I live, present or consenting to this Tax or Act, one or both of them being forced thence by the Army, I conceive neither my self, nor the County where I live, nor the Borough for which I served, in the least measure bound by this Act or Tax, but cleerly exempted from them, and obliged with all our might and power effectually to oppose them.*

Object.

If any here object, That by the custom of Parliament forty Members onely are sufficient to make a Commons House of Parliament

liament, and there were at least so many present when this Tax was imposed: Therefore it is valid and obligatory both to the secluded absent Members and the Kingdom.

I answer, First, That though regularly it be true, that forty Members are sufficient to make a Commons House to begin prayers, and businesses of lesser moment in the beginning of the day, till the other Members come, and the House be full; yet 40 were never in any Parliament reputed a competent number to grant Subsidies, passe, or read Bills, or debate or conclude matters of greatest moment; which by the constant Rules & usage of Parliament, were never debated, concluded, passed, but in a free and full House, when all or most of the Members were present, as the Parliament *Rolls, Journals, Modus tenendi Parliamentum*, Sir Edward Cook's Institutes, p. 1. & 26. 35. 36. *Crompton's Jurisdiction of Courts*, f. 1 & c. 39. E. 3. 7. *Brick Parliament*, 27. 1. 7th c. 1. and the many Records I have cited to this purpose in my *Levellers levelled*, my *Plea for the Lords*, and *Memento*, p. 10. abundantly prove beyond contradiction; for which cause the Members ought to be fined, and lose their wages, if absent without special Licence, as *Modus tenendi Parliamentum*, 5 R. 2. Par. 2. c. 4. 9. H. 3. c. 16. and *A Collection of all Orders, &c.* of the late Parliament, pt. 294. 357. with their frequent summoning and fining absent Members, evidence.

Secondly, Though forty Members onely may peradventure make an House in cases of absolute necessity, when the rest through sickness, & publick or private occasions, are voluntarily or negligently absent; and might freely repair thither to sit or give their Votes if they pleased: yet forty Members never yet made a Commons House by custome of Parliament (there being never any such case till now) when the rest (being above four hundred) were forcibly secluded, or driven thence by an army, through the practice or connivance of those forty sitting, of purpose that they should not over nor counter-vote them; much lesse an House to sequester or expell the other Members, or impose any Tax upon them. Till they shew me such a law, custom or Precedent of Parliament (not to be found in any age) all they pretend is nothing to purpose, or the present case.

Thirdly, Neither forty Members, nor a whole House of Commons were ever enough in any age, by the Custome of

n) See my Plea
for the Lords,
and Levellers
levell'd.

Parliament; or Law of England, or impose a Tax, or make any Act of Parliament, without the King and Lords, as I have (n) already proved; much less after they ceased to be Members by the Parliaments dissolution through the Kings beheading; Neither were they ever invested with any legall power to seclude or expel any of their fellow Members (especially, if duly elected) for any Vote wherein the Majority of the House concurred with them; or differing in their consciences and judgements from them; nor for any other cause, without the Kings and Lords concurrence (in whom the ordinary judicall power of the Parliament resides) as I have undeniably proved by precedents and reasons in my *Plea for the Lords*, p. 47. to 53. and *Ardna Regni*, which is further evident by *Claus. Dorf.* 7.R.2. M. 32: & Mr. Seldens *Titles of Honor*, p. 737. *Banneret Cameroys Case*, discharged from being knight of the Shire by the Kings Writ and judgment alone, without the Commons vote, because a Peer of the Realm; the practice of sequestering and expelling Commons by their fellow-Commons only, being a late dangerous, unparliamentary usurpation (unknown to our Ancestors) destructive to the privileges and freedom of Parliaments, and injurious to those Counties, Cities, Boroughs, whose Trustees are secluded; the House of Commons it self being no Court of Justice to give either an Oath or finall Sentence, and having no more Authority to dismember their fellow-Members, then any Judges, Justices of peace, or Committees have to disjude, disjustice, or discommittee their fellow-Judges, Justices, or Committeemen; being all of equall authority, and made Members only by the Kings Writ and peoples Election, not by the Houses, or other Members Votes; who yet now presume both to make and unmake; seclude and recal, expel and restore their fellow-Members at their pleasure, contrary to the practice and resolution of former ages, to patch up a *factions Conventicle*, instead of an *English Parliament*. Therefore this Objection no wayes invalids this first Reason; why I neither can nor dare submit to this illegal Tax in *conscience, law, or prudence*, which engage me to oppose it in all these Respects.

If any object, That true it is, the Parliament by the common Law and Custome of the Realm determines; by the Kings death; but by the Statute of 17 *Caroli*, which enacts, *That*
this

this present Parliament now assembled shall not be dissolved unless it be by Act of Parliament to be passed for that purpose; continues this Parliament still in being, notwithstanding the Kings beheading, since no Act of Parliament is passed for its Dissolution. The only pretext for to support the continuance of the Parliament since the Kings violent death.

To this I answer, That it is a Maxime in Law, That every Statute ought to be expounded according to the intent of those that made it, and the mischiefs it intended only so prevent, as is resolved in 4. Edw. 4. 12. 12. Edw. 4. 8. 1. H. 7. 12. 13. Plowd. Com. fol. 369. and Crok. 4. Inst. p. 329, 330. Now the intent of the Makers of this Act, and the end of enacting it, was not to prevent the dissolution of this Parliament by the Kings death (no ways intimated or insinuated in any clause thereof, being a cleer unavoydable dissolution of it to all intents not provided for by this Law,) but by any Writ or proclamation of the King, by his Regal power, without consent of both Houses; which I shall manifest by these ensuing reasons.

Ans.

First, From the principal occasion of making this Act. The King (as the Commons in their ** Remonstrance of the state of the Kingdom*, 15 Decemb. 1642, complain) had dissolved all former Parliaments during his Reign without and against both Houses approbation, to their great discontent and the Kingdoms prejudice, as his Father King James had dissolved others in his Reign: and during their continuance adjourned and prorogued them at their pleasure. Now the fear of preventing of the like dissolution, prorogation, or adjournment of this Parliament after the Scottish Armies disbanding, before the things mentioned in the Preamble were effected by the Kings absolute power, was the only ground & occasion of this Law (nor any fear or thoughts of its dissolution by the King untimely death) then not so much as imagined, being before the Warrs or Irish Rebellion brake forth) the King very healthy, not ancient, and likely then to survive this Parliament, and many others, in both Houses judgment, as appears by the Bill for trienniall Parliaments. This undeniable Truth is expressly declared by the Commons themselves in their foresaid *Romonstrance*; *Exact Collection* p. 5. 6. 1417. compared together; where in direct terms they affirm, *The*

(*) Exact
Collect. p. 5. 6.

ABRUPT DISSOLUTION OF THIS PARLIAMENT is prevented by another Bil, by which it is provided it shall not be dissolved or adjourned without the consent of both Houses: In the Bill for continuance of this present Parliament, there seems **TO BE SOME RESTRAINT OF THE ROYAL POWER IN DISSOLVING OF PARLIAMENTS; NOT TO TAKE IT OUT OF THE CROWN, BUT TO SUSPEND THE EXECUTION OF IT FOR THIS TIME and OCCASION ONLY**; which was so necessary for **THE KINGS OWN SECURITY**, and the publick Peace, that without it we could not have undertaken any of these great charges, but must have left both the Armies to disorder and confusion, and the whole Kingdom to blood and rapine.

In which passages we have a clear resolution of the Commons themselves, immediately after the passing of this Act; that the scope and intention of it was only to provide against the Kings abrupt dissolution of the Parliament by the meer royall power in suspending the execution of it for this time and occasion only; and that for the Kings own security, (not his Heirs and Successors) as well as his peoples peace and safety. Therefore not against any dissolutions of it by his naturall (much lesse his violent) death; which can no ways be interpreted, an Act of his Royall power, which they intended hereby, not to take out of the Crown, but only to suspend the execution of it for this time and occasion, and that for his security: but a naturall impotency, or unnaturall disloyalty, which not only suspends the execution of the Kings power for a time, but utterly destroys and takes away him and it without hopes of revival for ever.

Secondly, the very title of this Act (*An Act to prevent Inconveniencies which may happen by the UNTIMELY adjourning, proroguing or DISSOLUTION of this present Parliament*) intimates as much, compared with the body of it, which provides, as well against the adjourning and proroguing of both or either Houses without an Act of Parliament, as against the dissolution of the Parliament without an Act. Now the Parliament cannot possibly be said to be adjourned or prorogued in any way or sence, much lesse unlawfully, by the Kings death, (which never adjourned or prorogued any Parliament,) but only by his Procla-

clamation, writ, or roval command, to the Houses or their Speaker, executed during his life; as all our Journals, (*¶*) *Parliament Rolls* and (**)* *Law-Books* resolve, though it may be dissolved by his death, as well as by his Proclamation, writ, or roval command. And therefore this title and act coupling adjourning, proroguing and dissolving this Parliament together without consent of both Houses, by act of Parliament, intended only a dissolution of this Parliament by such Prerogative wayes and meanes by which Parliaments had formerly been untimely adjourned and prorogued as well as dissolved by the Kings meer will without their assents; nor of a dissolution of it by the Kings death which never adjourned nor prorogued any Parliament, nor dissolved any formerly sitting Parliament in this Kings reign, or his Ancestors since the death of King *Henry* the 4th; the only Parliament we read of dissolved by death of the King since the conquest; and so a mischief not intended nor remedied by Act.

Thirdly, The prologue of the act implies as much; *Whereas great sums of money must of necessity be SPEEDILY advanced & procured for the relief of HIS MAJESTIES ARMY and PEOPLE* (not his Heirs or Successors) *in the Northern parts: &c.* And for supply of other HIS MAJESTIES PRESENT and URGENT OCCASIONS (not his Heirs or Successors future occasions) *which cannot be so timely effected as is requisite, without credit for raising the said monies; which credit cannot be attained, until such obstacles be first removed as are occasioned BY FEAR, JEALOUSIES and APPREHENSIONS OF DIVERS OF HIS MAJESTIES LOYAL SUBJECTS THAT THE PARLIAMENT MAY BE ADJOURNED, PROROGUED OR DISSOLVED* (not by the Kings sodain or untimely death, of which there was then no fear, Jealousy or apprehension in any his Majesties Loyal Subjects, but by his Royal Prerogative and advice of ill Councillors) *before justice shall be duly executed upon Delinquents; (then in being, nor sprung up since) publique grievances (then complained of) redressed, a firm peace betwixt the two Nations of England and Scotland concluded, and before sufficient provisions be made for the repayment of THE SAID MONETS* (not others since) *so to be*

(*¶*) 6. E. 3.
 Parl. 2. Rot.
 Parl 3 6. 5
 R. 2. n. 64, 65.
 11 R. 2. n. 14.
 13. 20. 8 H. 4.
 n. 2, 7, 27. H. 6.
 n. 12 28. H. 6.
 n. 8, 9, 11, 29.
 H. 6. n. 10, 11.
 31. H. 6. n. 22.
 30, 49.
 (*) Cooks 4.
 Institut p. 25.
 Dyer. f 203.

be raised: *All which the Commons in this present Parliament assembled having duly considered, do therefore humbly beseech your Majesty, that it may be declared and enacted, &c.* all which expressions, relate, & only TO HIS late Majesty only, not his Heirs and Successors; and the principal scope of this act, to gain present credit to raise moneys to disband the Scottish and English Armies then lying upon the Kingdom, being many yeers since accomplished; yea and justice being since executed upon *Strafford, Canterbury*, and other Delinquents then complained of; the publick Grievances then complained of (as *Star-chamber, High-Commission, Ship-money, Tonnage and poundage, Fines for Knighthood, Bishops votes in Parliament*, with their Courts and Jurisdictions and the like) redressed by acts soon after passed, and a firm peace between both Nations concluded before the Wars began; and this preamble's pretensions for this act fully satisfied divers years before the King's beheading; it must of necessity be granted, that this Statute never intended to continue this Parliament on foot after the Kings decease; especially after the ends for which it was made were accomplished: And so it must necessarily be dissolved by his Death.

Fourthly, This is most clear by the body of the act it self: *And be it declared and enacted By THE KING OUR SOVERAIGN LORD, with the assent of the LORDS & Commons in this PRESENT PARLIAMENT ASSEMBLED, & by the authority of the same, That THIS PRESENT PARLIAMENT NOW ASSEMBLED, shall not be DISSOLVED, unlesse it be by ACT OF PARLIAMENT TO BE PASSED FOR THAT PURPOSE; nor shall any time or times DURING THE CONTINUANCE THEREOF BE PROROGUED OR ADJOURNED, unlesse it be By ACT OF PARLIAMENT to be likewise PASSED FOR THAT PURPOSE. And that THE HOUSE OF PEERS shall not at any time or times DURING THIS PRESENT PARLIAMENT BE ADJOURNED, unlesse it be By THEMSELVES; or BY THEIR OWN ORDER. And in like manner that THE HOUSE OF COMMONS shall not at any time or times DURING THIS PRESENT PARLIAMENT be adjourned unless it be BY THEM-*

THEMSELVES, or BY THEIR OWN ORDER. Whence it is undeniable, 1. that this act was only for the prevention of the untimely dissolving, Proroguing and adjourning of that present Parliament then assembled, and no other. 2. That the King himself was the Principal Member of his Parliament, yea, our Sovereign Lord, and the sole declarer and enabler of this Law, by the Lords and Commons assent. 3. That neither this Act for continuing, nor any other for dissolving, adjourning or proroguing this Parliament could be made without, but only by and with the Kings Royal assent thereto; which the Lords and Commons assembled in Parliament in their (*) Remonstrance of the 26. of May 1642: oft in terminis acknowledge, together with his Negative voice to bills. 4. That it was neither the Kings intention in passing this act to shut himself out of Parliament, or create Members of a Parliament without a King, as he professed in his *ΕΙΣΟΥ ΒΑΣΙΛΕΥΣ*. c. 5. p. 27. Nor the Lords nor Commons intendment to dismember him from his Parliament, or make themselves a Parliament without him; as their fore-said Remonstrance testifies, and the words of the act import: Neither was it the Kings, Lords or Commons meaning by this act to set up a Parliament onely of Commons (much lesse of a remnant of a Commons House selected by Colonel Pride, and his Confederates of the Army to serve their turns, and vote what they prescribed) without either King or House of Peers, much lesse to give them any super-transcendent authority to vote down and abolish the King and house of Lords, and make them no Members of this present or any future Parliaments, without their own order or assent, against which so great usurpation, and late dangerous unparliamentary encroachments this very act expressly provides in this clause, *That the House of Peers* (wherein the King sits as Sovereign when he pleaseth) *shall not at any time or times during this present Parliament be adjourned* (much lesse then dissolved, excluded, or suspended from sitting or voting, which is the greater, and that by their inferiours in all kindes, a Fragment of the Commons House, who can pretend no colour of Jurisdiction over them, before whom they alwayes stood bare-headed, like so many Grand-Jury-men before the Judges, and attended at their Doors and Bar to know their pleasures:)

(*) *Exact Collect* p. 69.
70. 736. 709.
722.

unlesse

* Book Par-
liament. 80.
Relation 85.
Dyer 85.

unless it be by Themselves, or by their own Order. 5. That nei-
ther the King, Lords nor Commons intended to set up a perpe-
tuall Parliament, and intail it upon them, their Heirs and Suc-
cessors for ever, by this Act, which would cross and repeal the
Act for triennial Parliaments made at the same time, and on the
*same * day in Law*; but to make provision only against the un-
timely dissolving of this, till the things mentioned in the Pre-
amble were accomplished and settled; as the Preamble, and those
oft repeated words, *any time or times during the continuance of
this present Parliament*, conclude; and that during His Majesties
Reign and life, not after his death; as these words coupled with
The relief of his Majesties Army and People; and for supply of
His Majesties present and urgent occasions in the Preamble mani-
fest. Therefore this Act can no wayes continue it a parliament
after the Kings beheading; much lesse after the exclusion both
of the King and Lords House out of parliament by those now
sitting, contrary to the very letter and provision of this Act; by
which device the King alone, had he conquered and cut off, or
secluded by his Forces the Lords and Commons House from sit-
ting, might with much more colour have made himself an abso-
lute parliament, to impose what Taxes and Laws he pleased,
without Lords or Commons, on the people, by vertue of this Act,
then those few Commons now sitting since his tryall and death
doe. 6. The last clause of this Act, *And that all and every
thing or things whatsoever DONE OR TO BE DONE*
(to wit, by the King or His Authority) *for the adjournment, pro-
roguing or dissolving of THIS PRESENT PARLIA-
MENT, CONTRARY TO THIS PRESENT
ACT, SHALL BE UTTERLY VOID* and of *NONE
EFFECT*: Now death, and a dissolution of this parliament
by the Kings death, cannot (as to the King) be properly styled,
a *Thing done, or to be done* (by Him) for the adjournment, pro-
roguing or dissolving of this parliament, *contrary to this present
Act*; which cannot make the Kings death utterly void and of
none effect, by restoring him to his life again. Therefore the
dissolution of the parliament by the Kings death, is cleerly out
of the words and intentions of this Act, especially so many yeers
after its Enacting. 7. This present Parliament and every Mem-
ber

ber thereof, being specially summoned by the Kings *Writ*, only to be HIS Parliament and Councell, and to conferre with HIM of the great and urgent affaires concerning HIM and HIS Kingdom; and these Writs and Elections of them, returned unto HIM and HIS COURT by Indenture, and the persons summoned and chosen by vertue of them appearing only in HIS Parliament, for no other ends but those expressed in HIS WRITS; it would be both an absurdity and absolute impossibility to assert, that the Houses intended by this Act to continue this Parliament in being after the Kings beheading or death: unless they that maintain this paradox be able to inform me and those now sitting, how they can conferr and advise with a *dead King* of things concerning Him and His Kingdom; and that even after they have extirpated Monarchy it self, and made it Treason to assert or revive it; and how they can continue still HIS Parliament and Councell whose head they have cut off: and that without reviving or raising him from his grave, or enstalling His right Heir and Successor in His Throne to represent His Person; neither of which they dare to doe, for fear of losing their own Heads and Quarters too, for beheading him. This Tax therefore being imposed on the Kingdom long after the Kings beheading, and the Parliaments dissolution by it, must needs be illegall and meerly void in Law to all intents; because not granted nor imposed in, but out of Parliament; by those who were then no Commons nor Members of a Parliament, and had no more authority to impose any Tax upon the Kingdom, then any other forty or fifty Commoners whatsoever out of Parliament, who may usurp the like authority by this president to Tax the Kingdom or any County what they please, and then Levy it by an Army or force of Armes, to the peoples infinite, endless oppression and undoing: This is my first and principall exception against the Legality of this Tax, which I desire the Imposers and Levyers of it most seriously to consider; and that upon these important considerations from their own late *Declarations*.

First, themselves in their own *Declaration* of the 9th February, 1648. have protested to the whole Kingdom: *That they are fully resolved to maintain, and shall and will uphold, preserve, and keep the fundamentall Lawes of this Nation, for, and concerning*

the PRESERVATION OF THE LIVES, PROPERTIES and LIBERTIES OF THE PEOPLE, with all things incident therunto: which how it will stand with this Tax imposed by them out of Parliament; or their Act concerning New TREASONS; I desire they would satisfie me and the Kingdom, before they levy the one, or proceed upon the other against any of their fellow-Subjects, by meer arbitrary armed power against Law and Right.

Secondly, themselves in their Declaration, expressing the grounds of their late proceedings, and setting the present Government in way of a Free-State, dated 17. Martii, 1648. engage themselves: To procure the well-being of those whom they serve: to renounce oppression, arbitrary power, and all opposition to the peace and Freedom of the Nation: And to prevent to their power, the reviving of Tyrannie, Injustice, and all former evils (the only end and duty of all their Labors) to the satisfaction of all concerned in it. 2. They charge the late King for exceeding all His predecessors in the destruction of those whom he was bound to preserve; To manifest which they instance in The Loanes, unlawfull Imprisonments, and other Oppressions which produced that excellent Law of the Petition of Right; which were most of them again acted, presently after the Law made against them, which was most palpably broken by him almost in every part of it, very soon after His solemn Consent given unto it. (1) His imprisoning and prosecuting Members of Parliament, for opposing His unlawfull Will: and of divers (2) worthy Merchants for refusing to pay Tonnage and Poundage, because NOT GRANTED BY PARLIAMENT: yet (3) exacted by HIM expressly against Law; and punishment of many (4) good Patriots, for not submitting to whatsoever he pleased to demand, though NEVER SO MUCH IN BREACH OF THE KNOWN LAW. The multitude of projects and Monopolies established by Him. His designs and charge to bring in (5) Germane-Horse, to give us INTO SLA-

1) Is not this the Armies & their own late and present practise?

2) Alderman Chambers the eminentest of them, is yet since this Declaration discharged by you for his loyalty and conscience only.

3) And is it not so by you now, and transmitted unto the Exchequer to be levied?

4) And do not you now the same, yea, some of those very good Patriots?

5) Are not the Generals and Armies Horse and Foot too, kept up and continued among us for that very purpose, being some of them German too?

VERY

VERY: and his hopes of compleating all by His grand project of
(6) Ship-money, to subject EVERY MANS ESTATE
TO WHATSOEVER

PROPORTION HE PLEA-
SED TO IMPOSE UPON
THEM. But above all the Eng-

lish Army was laboured by the
King to be engaged against THE
ENGLISH PARLIAMENT.

A thing of that (7) STRANGE
IMPIETY and UNNA-
TURALNESS for the King of
England, to sheath their swords

in one anothers bowels, that no-
thing can answer is but his owne
being a Foraigner: neither could it
easily have purchased belief, but by
his succeeding visible actions in ful-
pursuance of the same. As the

Kings coming in person to the (8)
House of Commons to seise the five
Members, whether he was followed
with (9) some hundreds of unwor-

thy disbanded persons, armed with Swords and Pistols, and other
Armes; and they attending at the Doore of the House, ready to exe-
cute whatsoever their Leader should command them. The oppressions
of the Councell-Table, Star-Chamber, High-Commission, Courts-
Martiall, Wardships, Purveyances, Afforestations, and many
others of like nature, (equalled; if not far exceeded now by sun-
dry Arbitrary Committees and Sub-Committees, to name no
others in all manner of Oppressions and Injustice) concluding
thus: Upon all these and many other unparallel offences, upon his
breach of Faith, of Oaths and Protestations; upon the cry of the
blood of England and Ireland: upon the tears of Widows and Or-
phans, and childless Parents, and millions of persons undone by him,
let all the world of indifferent men judge, whether the Parliament
(you mean your selves only which made this Declaration) had not
sufficient cause to BRING THE KING TO JUSTICE: And

6.) Not one quarter so grievous as the present Tax
imposed by you for the like purpose.

7.) And is it not more unnaturall in those now
sitting, to engage the English Army, raised by the
Parliament of England, and covenanting to defend
it from violence against the very Parliament of Eng-
land and its Members, and that successively twice
after one another, and yet to own and support this
Army without righting those Members?

8.) Was not Pride's and the Armies coming thi-
ther to seise, and actually seising above Forty, and
secluding above Two hundred Members, with
Thousands of armed Horse and Foot, a thousand
times a greater offence, especially after so many De-
clarations of the House against this of the Kings?

9.) Was not Humphrey Edwards now sitting, an
unduly elected Member, one of them thus armed?

much more you if you imitate or exceed him in all or any of these, even by your own verdict?

3. Themselves charge the King with *profuse Donations of salaries and pensions to such as were found, or might be made, fit Instruments and promoters of Tyranny*: which were supplied not by the legal justifiable revenue of the Crown, but by *Projects and illegal ways OF DRAINING THE PEOPLES PURSES*; all which mischief and grievance they say will be prevented in their free State; though the quite contrary way; as appears by the late large donation of some thousands to Mr. Henry Martin, the Lord Lisle, Commissary General Ireton and others of their Members and Instruments, upon pretence of Arrears, or Service, some of them out of the moneys now imposed for the relief of Ireland. And must we pay Taxes to be thus prodigally expended?

Hen. Martin is
accountable
to the State
for above
3700 l. which
the Committee
of accounts in
two years time
could never
bring him to
account for,
and yet hath
3000 l. voted
him lately for
moneys pre-
tended to be
disbursed; to
whom and for
what, quere.

Fourthly, They therein promise and engage, *That the good old Laws and Customs of England THE BADGES OF OUR FREEDOM (the benefit whereof our Ancesters enjoyed long before the conquest, and spent much of their blood to have confirmed by the Great Charter of the Liberties) and other excellent Laws which have continued in all former changes, and being duly executed, are THE MOST JUST, FREE and equal of any other Laws in the world; shall be duly continued and maintained by them; the LIBERTY, PROPERTY and PEACE OF THE SUBJECT BEING SO FULLY PRESERVED BY THEM, and the common interest of those WHOM THEY SERVE. And if those Lawes should be taken away, all Industry must cease; all misery blood and confusion would follow, and greater Calamities, if possible, then fell upon us by the late Kings misgovernment, would certainly involve all persons, under which they must inevitably perish.*

5. They therein expressly promise, p. 26. *To order the revenue in such a way, That the publick charges may be defrayed; The Souldiers pay justly and duly settled: That free-quarter may be wholly taken away and THE PEOPLE BE EASED IN THEIR BURTHENS and TAXES: And is this now all the ease we feel; to have all Burthens and Taxes, thus augmented; and that against Law by pretended acts made out of Parliament, against*

Nota.

against all these good old Lawes and Statutes, our Liberties and Properties, which these new *Tax-Masters* have so newly and deeply engaged themselves to maintain and preserve without the least diminution ?

Thirdly, Both Houses of Parliament joyntly, and the House of Commons severally in the late Parliament, with the approbation of all & consent of most now sitting, did in sundry (II) *Remonstrances* and *Declarations* published to the Kingdom, not only Tax the King and his evil Counsellors for imposing illegal Taxes on the Subjects, contrary to the forecited acts ; the maintenance whereof against all future violations and invasions of the Peoples Liberties and Properties they made one principal ground of our late bloody expensive wars ; but likewise professed ; (*) That they were specially chosen and intrusted by the Kingdom in Parliament and owned it as their duty to hazard their own lives and estates for preservation of those Laws and liberties, and use their best endeavours that the meanest of the Commonalty might enjoy them as their birthrights, as well as the greatest Subject. That EVERY HONEST MAN (especially THOSE WHO HAVE TAKEN THE LATE PROTESTATION, and Solemo League and Covenant since) IS BOUND TO DEFEND THE LAWS and LIBERTIES OF THE KINGDOM against WIL and POWER, which imposed WHAT PAYMENTS THEY THOUGHT FIT TO DRAIN THE SUBJECTS PURSES, and supply THOSE NECESSITIES (which their Counsel had brought upon the King and Kingdom) And that they would be ready TO LIVE AND DYE with those WORTHY and TRUE-HEARTED PATRIOTS OF THE GENTRY OF THIS NATION and others, who were ready to lay down their lives and fortunes for the maintenance of THEIR LAWS and LIBERTIES : with many such like heroick expressions. Which must needs engage me (a Member of that Parliament, and Patriot of my Country) with all my strength and power to oppose this injurious Tax, imposed out of Parliament, though with the hazard of my life and fortunes ; wherein all those late *Members* who have joyned in these *Remonstrances* are engaged by them to second me ; under paine of being adjudged unworthy for ever hereafter to sit in any Parliament or to be trusted by their

(II) *Exact Collect* p. 56.
7.14.342.493

(*) *Exact Collect* p. 28.
29.214.263.
270.491.492.
495.496.497.
660.

their Counties and those for whom they served. And so much the rather to vindicate the late Houses honour and reputation from those predictions and printed aspersions of the beheaded King; (II) That the maintenance of the Law, Liberties, Portions of the People, were but only gilded dissimulations and specious pretences to get power into their own hands, thereby to enable them to destroy and subvert both Lawes, Liberties, and Properties at last. And not any thing like them, to introduce Anarchy, Democracy, Parity, Tyranny in the Highest degree, and new formes of arbitrary Government, and leave neither King nor Gentleman: all which the people should too late discover at their costs, and that they had obtained nothing by adhering to and compliance with them, but to enslave and undoe themselves, and to be last destroyed. Which royal Predictions many complaine we finde too truly verified by those who now bear rule, under the Name and visour of the Parliament of England, since its dissolution by the Kings decapitation, and the Armies imprisoning and seclusion of the Members who above all others are obliged to disprove them by their answers as well as declarations to the people, who regard not words but real performances from these new keepers of their Liberties; especially in this FIRST YEAR OF ENGLANDS FREEDOM engraven on all their publick Seals, which else will but seal their Selfdamnation and proclaim them the Archeist Impostors under Heaven.

Secondly; should I voluntarily submit to pay this Tax, and that by vertue of an Act of Parliament made by those now sitting, (some of whose Elections have been voted void; others of them elected by * new illegal Writs under a new kind of Seal, without the Kings Authority, stile, or Seal, and that since the Kings beheading, as the Earl of Pembroke, and Lord Edward Howard, incapable of being Knights or Burgesses by the Common Law and custome of Parliament, being Peers of the Realm (if now worthy such a Title) as was adjudged long since in the Lord Camoyes case, *Clauſ. Dorſ. 7. R. 2. m. 32.* and asserted by Master Selden in his *Titles of Honor*, *part. 2. c. 5. p. 737.* seconded by Sir Edward Cook in his *4 Instit. p. 1, 4, 5, 46, 47, 49.*) As I should admit these to be lawfull Members, and these unlawfull void Writs to be good in Law; so I should thereby tacitly admit,

(II) *Exa & Col*
lect. p. 285.

286 298 320.

322-378-379.

381 513 514.

515 &c. 618.

619 620 623.

647. &c. 671.

679. &c. A

Collect. &c. p.

100, 102. &c.

117.

* See Cook
4 *Instit. p. 10.*

& ex post facto assent to some particulars against my knowledg, judgment, conscience, *Oaths of Supremacy, Allegiance, Protestation, and solemn League and Covenant*, taken in the presence of God himself, with a sincere heart and reall intention to perform the same, and p^rever therein at the days of my life, without suffering my self directly or indirectly, by whatsoever combination, persuasion or terror to be withdrawn therefrom. As first, That there may be and now is a lawfull Parliament of England actually in being, and legally continuing after the Kings death, consisting only of a few late Members of the Commons House, without either King, Lords, or most of their fellow-Commons: which the very Consciences and judgments of all now sitting, that know anything of Parliaments, and the whole Kingdom if they durst speak their knowledg, know & beleve to be false, yea against their Oaths and Covenant. Secondly, That this Parliament (so unduly constituted and packed by power of an Army combining with them) hath a just and lawful Authority to violate the Priviledges, Rights, Freedomes, Customs, and alter the constitution of our Parliaments themselves; imprison, seclude, expel most of their fellow-members for voting according to their consciences; to repeal what Votes; Ordinances and Acts of Parliament they please, erect new Arbitrary Courts of war and Justice to arraign, condemn, execute the King himself, with the Peers & Commons of this Realm by a new kind of Martial law, contrary to *Magna Charta, the Petition of Right, and Law of the Land*: disinherit the Kings posterity of the crown, extirpat Monarchy, & the whole house of Peers, change and subvert the ancient Government, Seals, Laws, Writs, legal proceedings, Courts, and coin of the Kingdom; sell and dispose of all the Lands, Revenues, Jewels, goods of the Crowne, with the Lands of Deans and Chapters, as they think meet; absolve themselves (like so many antichristian Popes) with all the Subjects of *England and Ireland*, from all the Oaths and engagements they have made **TO THE KINGS MAJESTY, HIS HEIRS AND SUCCESSORS**: yea, from their very Oath of *Allegiance*, notwithstanding this expresse clause in it (which I desire may be seriously and conscientiously considered by all who have sworn it) *I do beleve and in Conscience am resolved, that neither the Pope, NOR ANY PERSON WHATSOEVER HATH POWER TO*

ABSOLVE ME OF THIS OATH, OR ANY PART THERE-
OF, which I acknowledge by good and full Authority to be law-
fully ministred unto me, and DO RENOUNCE ALL PAR-
DONS AND DISPENSATIONS TO THE CONTRARY :
dispense with our Protestations, Solemn League and Covenant,

* A collect. &c. so lately * zealously urged and enjoined by both Houses on Mem-
pag. 327, 358, bers, Officers, Ministers, and all sorts of People throughout the
359, 399, 404, Realm: dispose of all the Forts, Ships, Fortes, Offices and Places of
416, 420, &c. Honour, Power, Trust or profit within the Kingdom to whom
694, 751, 768, they please; to displace and remove whom they will from
769, 798, 802, their Offices, Trusts, Pensions, Callings, at their pleasures with-
806, &c 878, out any legal cause or tryall: to make what new Acts, Lawes,
879, 889. and reverse what old ones they think meet, to insnare, inthral our
Consciences, Estates, Liberties, Lives: to create new monstrous
Treasons never heard of in the world before; and declare *real*
treasons against King, Kingdoms, Parliament, to be no treasons,
and Loyalty, Allegiance, due obedience to our knowne Lawes,
and conscientious observing of our Oaths and Covenant (the
breach whereof would render us *actual* Traitors and *perju-
rious* persons) to be no lesse then *High* Treason, for which they
may justly imprison, dismember, disfranchise, displace and fine us at
their wills (as they have done some of late) and confiscate our per-
sons, lives to the Gallies, and our estates to their new Exche-
quer; (a Tyranny beyond all Tyrannies ever heard of in our Nati-
on, repealing *Magna Charta*, c. 29. 5. E. 3. c. 6. 25. Edw. 3. cap.
4. 28. Ed. 3. c. 3. 37. E. c. 18. 42. E. 3. cap. 3. 25. Ed. 3. cap. 2. 11. R.
2. c. 4. 1. H. 4. c. 19. 2. H. 4. Rot. Par. N. 60. 1. E. 6. c. 12. 1 Mar. c. 1.
The Petition of Right, 3 *Caroli*, and laying all our * Laws, Liberties,
Estates, Lives in the very dust after so many bloody and costly
years wars to defend them against the Kings invasions) raise and
keep up what forces they will by Sea and Land, impose what
heavy Taxes they please, and renew, increase, multiply and per-
petuate them on us as often and as long as they please, to support
their own encroached, more then Regall, Parliamentall, Super-
transcendent Arbitrary power over us, and all that is ours or
the Kingdoms at our private and the publique charge against our
wills, judgments, consciences, to our absolute enslaving, and our
three Kingdoms ruine, by engaging them one against another in

* See Cooks

3 Inst. p. 2, 21,
22, 23.

new Civill wars, and exposing us for a prey to our Forraign Enemies. All which, with other particulars, lately acted and avowed by the Imposers of this *Tax*, by colour of that pretended Parliamentary Authority by which they have imposed it, I must necessarily admit, acknowledg to be just and legall by my voluntary payment of it, of purpose to maintain an Army, to justifie and make good all this by the meer power of the Sword, which they can no wayes justifie and defend by the Lawes of God or the Realm, before any Tribunall of God or Men, when legally arraigned, as they shal one day be. Neither of which I can or dare acknowledg, without incurring the guilt of most detestable *Perjury*, and highest *Treason*, against *King, Kingdom, Parliament, Laws and Liberties* of the people; and therfore cannot yeeld to this Assesment.

Thirdly, the principal ends and uses proposed in the pretended Act and Warrants thereupon for payment of this *Tax*; are strong obligations to me, in point of *Conscience, Law, Prudence*, to withstand it; which I shall particularly discuss.

The first is, the maintenance and continuance of the present Army and Forces in *England* under the Lord *Fairfax*. To which I say, First, as I shall with all readines, gratitude and due respect, acknowledg their former Gallantry, good and faithfull Services to the Parliament and Kingdom, whiles they continued dutifull and constant to their first Engagements, and the ends for which they were raised by both Houses, as far forth as any man; so in regard of their late monstrous defections, and dangerous Apostacies from their primitive obedience, faithfulness, and engagements in disobeying the Commands, and levying open war against both Houses of Parliament, keeping an horrid force upon them at their very doors; seising, imprisoning, secloding, abusing, and forcing away their Members, printing and publishing many high and treasonable Declarations against the Institution, Priviledges, Members and Proceedings of the late, and Being of all future Parliaments; imprisoning, abusing, arrainging, condemning and executing our late King, against the Votes, Faith, and Engagements of both Houses, and dis-inheriting His posterity, usurping the Regall, Parliamentall, Magistraticall, and Ecclesiasticall power of the Kingdom to their Generall-Councell of Officers of the Army, as the supreme swaying Authority of the Kingdom, and attempting to alter and subvert the ancient Government, Parlia-

* Can or will the King himself say more, or so much as these, if he invade and conquer us by Foreign forces? And were it not better for us then to submit to our lawful King, then so many thousand perfidious usurping pretended Conquerors of us, who of late pretend they were no other but our servants?

ments, Laws, and Customs of our Realm: And upon serious consideration of the ordinary, unsufferable Assertions of their Officers and Souldiers uttered in most places where they Quarter, and to my self in particular, sundry times, * *That the whole Kingdom, with all our Lands, Houses, Goods, and whatsoever we have, is theirs, and that by right of Conquest, they having twice conquered the Kingdom: That we are but their conquered slaves and Vassals, and they the Lords and Heads of the Kingdom: That our very lives are at their mercy and courtesie. That when they have gotten all we have from us by Taxes and Free-quarter, and we have nothing left to pay them, then themselves will seise upon our Lands as their own, and turn us and our Families out of doors: That there is now no Law in England (nor never was, if we beleieve their lying Oracle Peters) but the Sword; with many such like vapouring Speeches and discourses, of which there are thousands of witnesses: I can neither in Conscience, Law, nor Prudence assent unto, much less contribute in the least degree for their present maintenance, or future continuance, thus to insult, inflame, and tyrannize over King, Kingdom, Parliament, People at their pleasure, like their conquered Vassals. And for me in particular to contribute to the maintenance of those, who against the Law of the Land, the privileges of Parliament, and liberty of the Subject, pulled me forcibly from the Commons House, and kept me prisoner about two months space under their Martiall, to my great expence and prejudice, without any particular cause pretended or assigned, only for discharging my duty to the Kingdom, and those for whom I served in the House, without giving me the least reparation for this unparalleld injustice, or acknowledging their offence (and yet detain some of my then fellow-Members under custodie by the meer power of the Sword, without bringing them to Triall) would be, not only absurd, unreasonable, and a tacit justification of this their horrid violence, and breach of priviledge, but monstrous, unnatural, perfidious, against my Oath and Covenant.*

2. No Tax ought to be imposed on the Kingdom in Parliament it self, but in case of necessity, for the common good, as is clear by the Stat. of 25 E. 1. c. 6. & Cooks 2 Instit. p. 528. Now it is evident to me, that there is no necessity of keeping up this Army for the Kingdoms common Good, but rather a necessity of dis-

disbanding it, or the greatest part of it, for these reasons: 1. Because the Kingdom is generally exhausted with the late 7 years Wars, Plunders and heavy Taxes; there being more moneyes levied on it by both sides, during these eight last yeares, then in all the Kings Reigns since the Conquest, as will appear upon a just computation: all Counties being thereby utterly unable to pay it. 2. In regard of the great decay of Trade, the extraordinary dearth of cattell, corn, and provisions of all sorts; the charge of relieving a multitude of poor people, who starve with famine in many places, the richer sort eaten out by Taxes and Free-quarter, being utterly unable to relieve them. To which I might adde the multitude of maimed Souldiers, with the widows and children of those who have lost their lives in the Wars, which is very costly. 3. This heaive Contribution to support the Army, destroies all Trade, by fore-stalling and engrossing most of the Monies of the Kingdom, the sinews and life of Trade; wasting the provisions of the Kingdom, and enhancing their prices, keeping many thousands of able men and horses idle, only to consume other labouring mens provisions, estates, and the publick Treasure of the Kingdom, when as their employment in their Trades and callings, might much advance trading, and enrich the Kingdom. 4. There is now no visible Enemy in the field or Garrisons, and the sitting Members boast there is no fear from any abroad, their Navie being so Victorious. And why such a vast Army should be still continued in the Kingdom to increase its debts and payments, when charged with so many great Arrears and Debts already, eat up the Country with Taxes and Free-quarter, only to play, drink, whore, steale, rob, murder, quarrell, fight with, impeach and shoot one another to death as Traitors, Rebels, and Enemies to the Kingdom and Peoples Liberties, as now the *Levellers* and *Cromwells* doe, for want of other employments, and this for the publick Good, transcends my understanding. 5. When the King had two great Armies in the Field, and many Garisons in the Kingdom, this whole Army by its primitive Establishment, consisted but of twenty two thousand Horse, Dragoons and Foot, and had an Establishment only of about Fortie five thousand pounds a month for their pay; which both Houses then thought sufficient, as is evident by their (e) Ordinances of *Febr. 15. 1644.* and *April 4. 1646.* and when

o) Collect. &c.
pag. 599. 876.

when the Army was much increased without their Order, sixty thousand pounds a month was thought abundantly sufficient by the Officers and Army themselves, to disband and reduce all super-numeraries, maintain the Established Army and Garisons, and ease the Country of all Free-quarter; which Tax hath been constantly paid in all Counties. Why then this Tax to the Army should now be raised above the first Establishment, when reduced to twenty thousand, whereof sundry Regiments are designed for *Ireland*, (for which there is thirty thousand pounds a month now exacted, besides the sixty for the Army) and this for the common good of the Realm, is a riddle unto me, or rather, a Mystery of iniquity, for some mens private lucre, rather then the publick weal. 6. The *Militia* of every County (for which there was so great contest in Parliament with the late King) and those persons of livelihood and estates in every Shire or Corporation who have been cordiall to the Parliament and Kingdom heretofore, put into a posture of defence under Gentlemen of quality and known integrity, would be a far agreater Guard to secure the Kingdom against foreign Invasions or domestick Insurrections, then a mercenary Army of persons and souldiers of no fortunes, and that with more generall content, and the tenth part of that Charge the Kingdom is now at to maintain this Armie, and prevent all danger of the undoing pest of Free-quarter. Therefore there is no necessity to keep up this Army, or impose any new Tax for their maintenance, or defraying their pretended Arrears, which I dare averr, the Free-quarter they have taken in kinde, and levied in money, if brought to a just account, as it ought, will double, if not treble most of their Arrears, and make them much indebted to the Country. And no reason they should have full pay and Free-quarter too, and the Country bear the burthen of both, without full allowance of all the Quarters levied or taken on them against Law, out of their pretended Arrears.

Obj. B.

And if any of the sitting *Tax-makers* here object, That they dare not trust the *Militia* of the Cities and Counties of the Realm with their own or the Kingdoms defence: Therefore there is a necessity for them to keep up the Army, to prevent all dangers from abroad, and Insurrections at home.

Ans.

I answer, 1. That upon these pretences these new Lords may
incall.

imprison and enforce an Army, and Taxes to support them, on the Kingdom till Dooms-day. 2. If they be real Members who make this Objection, elected by the Counties, Cities and Boroughs for which they serve, and deriving their Parliamentall Authority only from the *People*, (*the only new fountain of all Power and Authority*, as themselves now dogmatize) then they are but their Servants and Trustees, who are to allow them wages, and give them Commission for what they act. And if they dare not now trust the people, and those persons of quality, fidelity, and estate, who both elected, intrusted and impowred them, and are the primitive and supreme Power; it is high time for their Electors and Masters [*the People*] to revoke their authority, trusts, and call them to a speedy account for all their late exorbitant proceedings, and mispence of the Kingdoms Treasure; and no longer to trust those with their purses liberties, safety, who dare not now to confide in them, and would rather commit the safeguard of the Kingdom to mercenary, indigent souldiers, then to those Gentlemen, Free-holders, Citizens, Burgeses, and persons of Estate who elected them, whose Trustees and Attourneys onely they profess themselves, and who have greatest interest both in them and the Kingdoms weal, and are those who must pay these Mercenaries, if continued.

3. The Gentlemen and Free-men of *England* have very little reason any longer to trust the Army with the Kingdoms, Parliaments, or their own Liberties, Laws, and Priviledges safeguard, which they have so oft invaded; professing now, that they did not fight to preserve the Kingdom, King, Parliament, Laws, Liberties and Properties of the Subject; but to conquer and pull them down, and make us conquered slaves in stead of free-men: averring, that *All is theirs by conquest* (which is as much as the King and his Cavaliers, or any forreign enemy could or durst have affirmed, had they conquered us by Battel:) And if so, then this Army is not, cannot be upheld and maintained for the Kingdoms and peoples common good and safety, but their enslaving, destruction, and the meer support of the usurped power, authority, offices, wealth and absolute domination only of those who have exalted themselves for the present, above King, Parliament, Kingdom, Laws, Liberties, and those that did intrust them, by the help of this trust-breaking Army, who have * lost and stained all the glory of their former * noble Victories and Heroick Actions, by their late degenerate

See their Declaration, 17 March, 1648. pag. 1. 27.

* Ezck. 18. 24.

unworthy

unworthy practices, and are become a reproach to the English Nation in all Christian Kingdoms and Churches.

The second end of this heave Tax, is the support and maintenance of the Forces in *Ireland*, for which there was only twenty thousand pounds a month formerly allowed, now mounted unto thirty thousand.

To which I answer in the first place, That it is apparent by the printed Statutes of 25. E.1. c.6. 1 E.3 c.5. 7. 18. Ed.3. c.7. 25. Ed.3. c.8. 4 H. 4. c.13. *Cooks* 2 Institutes, p. 528. and the Protestation of all the Commons of England in the Parliaments of 1 Hen.5. num.17. and 7. H.5. num.9. That no Free-man of England ought to be compelled to go in person, or to finde Souldiers, Arms, Conduitt money, Wages, or pay any Tax for or towards the maintenance of any forreign War in Ireland, or any other parts beyond the Sea, Without their free consents in full Parliament. And therefore this Tax to maintain Souldiers and the Warr in *Ireland* (neither imposed in Parliament, much lesse in a full and free one, as I have proved) must needs be illegall, and no ways obligatory to me, or any other. 2. Most of the ancient Forces in *Ireland* (as the *Brittish* Army, *Scots* and *Inchiquen's*, towards whose support the twenty thousand pounds a month was designed) have been long since declared *Rebels*, *Taytors*, *Revolters*, and are not to share in this Contribution: and those now pretending for *Ireland*, being Members of the present Army, and to be paid out of that Establishment, there is no ground at all to augment, but to decrease this former monthly Tax for *Ireland*, over what it was before. 3. Many of those now pretending for *Ireland*, have been the greatest obstruckers of its relief heretofore: and many of those designed for this Service by lot, have in words, writing and print protested they never intend to go thither, and dissuade others from going, yet take Free-quarter on the Country and pay too under that pretext. And to force the Country to pay Contribution and give Free quarter to such Cheaters and Impostors, who never intend this Service, is both unjust and dishonourable. 4. If the Relief of *Ireland* be now really intended, it is not upon the first, just and pious grounds, to preserve the Protestant party there from the forces of the bloody, Popish, Irish *Rebels*, with whom (if report be true) these sitting *Anti-Monarchists* seek and hold correspondence, and are now actually accord-

ded

ded with *Owen Roe-Oneal*, and his party of bloudest Papists; but to oppose the Kings interest and Title to that Kingdom (* settled on HIM, HIS HEIRS & SUCCESSORS FOR EVER by an express act of Parliament made in *Ireland*, 32. H.8.c.1. and by the Stat. of 1 Jac.c.1. made in *England*, yet unrepealed,) and the Protestant remaining party there, adhering to, and proclaiming, acknowledging him for their Sovereign; lest his gaining of *Ireland* should prove fatal to their usurped Sovereignty in *England*, or conduce to his enthroning here: And by what Authority these now sitting can impose, or with what conscience any loyal Subject who hath taken the Oaths of *Supremacy, Allegiance, and Covenant*, can voluntarily pay any Contribution to deprive the King of his hereditary right, and undoubted title to the Kingdoms & Crowns of *England & Ireland*, and alter the frame of the ancient Government and Parliaments of our Kingdoms, *Remonstrated so often against by both Houses*, and adjudged High Treason in *Canterburies* and *Straffords* cases, for which they were beheaded; and by themselves in the Kings own case, whom they decolled likewise (without incurring the guilt of *perjury* and danger of *high Treason*, to the loss of his life & estate, by the very laws and Statutes yet in force transcends my understanding to conceive: Wherefore I neither can, nor dare, in conscience, law or prudence, submit to this contribution.

* See *Seldens Titles of Honor*. p.42.

p See A Col- lect. p 94.95. 99. 698 700. 877.878.

Fourthly, The coercive power, and manner of levying this contribution, expressed in the Act, is against the Law of the Land, and Liberty of the Subject, which is threefold.

First, Distresse and sale of the goods of those who refuse to pay it; with power to break open their Houses (which are their Castles) doors, chests, &c. to distrain; which is against Magna Charta c.29. The Petition of Right; The Votes of both Houses in the case of Ship-mony, 1 R.2.c.3. and the resolution of our Judges and Law-books. 13.Ed.4.9. 20.E.4.6. Cook 5 Report, f.91,92. Semains case, and 4.Inst. p.176.177.

Secondly, Imprisonment of the body of the party till he pay the Contribution, being contrary to Magna Charta, The Petition of Right, The resolution of both Houses in the Parliament of 3 Carols, in the case of Loans; and 17 Carols, in the case of Ship-mony, the judgment of our Judges and Law-books, collected by Sir Edward Cook in his 2 Inst. p.46. &c. and the Statute of 2.H.4. Rot. Parl. n.6. unprinted, but most expresse in point.

Thirdly,

Thirdly, Levying of the contribution by souldiers and force of arms, in case of resistance, and imprisoning the person by like force: adjudged High Treason in the case of the Earl of Strafford, and a levying of war within the Statute of 25. Ed. 3. by the late Parliament, for which he lost his head: and so proved to be at large by Master St. Iohn in his Argument at Law at the passing the Bill for his attainder, Printed by Order of the Commons House.

Fourthly, (Which heightens the illegality of these illegall means of levying it) if any person whose goods are distrained, or person imprisoned for this illegall tax, shall bring his Action at Law, or an Habeas corpus for his relief, the Committee of Indemnity will stay his legall proceedings, award costs against him, and commit him anew till he pay them, and release his suits at Law, and upon an Habeas corpus, their own Sworn Judges (created by them, without any Oath to do equal Justice, &c. to all: but only to be true and faithfull to their new-erected State:) dare not bayl but remaund him against Law; An oppression and Tyranny, far exceeding the worst of the Beheaded Kings; under whom the Subjects had Free-Liberty to sue and proceed at Law both in the cases of Loanes, Shipmony and Knighthood, without any Council T. El., Committee of Indemnity to stop their suits, or inforce them to release them; and therefore in all these respects (so repugnant to the Laws and Liberty of the Subject) I cannot submit to this illegall Tax, but oppugn it to the uttermost, as the most invasive on Laws and Liberties, that ever was.

Fifthly, The time of imposing this illegall Tax, with these unlawfull ways of levying it, is very considerable and sticks much with me; it is (as the Imposers of it declare and publish in many of their new kind of Acts and devices) in the first yeare of Englands Liberty, and redemption from thraldome. And if this unsupportable Tax, thus illegally to be levied, be the first fruits of our first yeares Freedom, and redemption from thraldome, as they stile it; how great may we expect our next yeares thraldome will be, when this little finger of theirs is heavier by far then the Kings whole loyns, whom they beheaded for Tyranny and Oppression?

Sixthly, The Order of this Tax (if I may so term a disorder) or rather newnesse of it, engageth me, and all lovers of their Countries Liberty, unanimously to withstand the same. It is the first, I finde, that was ever imposed by any who had been Members

bers of the Commons House after a Parliament dissolved; the Lords House Voted down, and most of their fellow-Commoners secured or secluded by their connivance or confederacy with an undutifull Army. Which if submitted to, and not opposed as illegall, not only the King or Lords alone without the Commons, but any forty or fifty Commoners, who have been Members of a Parliament, gaining Forces to assist and countenance them, may out of Parliament now, or any time hereafter, do the like, and impose what Taxes and Laws they please upon the Kingdom, and the secluded Lords and Commons that once sate with them, being encouraged thereto by such an unopposed precedent. Which being of so dangerous consequence and example to the constitution and priviledges of Parliament, and Liberties of the People, we ought all to endeavour the crushing of this new *Cockatrice* in the shell, lest it grow to a *Fierie Serpent*, to consume and sting us to death, and induce the Imposers of it, to lade us with new and heavier Taxes of this kinde, when this expires (which we must expect, when all the Kings, Bishops, Deans and Chapters Lands are shared amongst them, sold and spent) as they will quickly be if we patiently submit to this leading *Decoy*; since ^{q) Matt. Paris,} *(q) Bonus Aetus inducit consuetudinem*, as our Ancestors resolved, ^{517.} Anno 1240. in case of an *unusuall Tax* demanded by the Pope; whereupon they all unanimously opposed it at first;

(r) *Opprime dum nova sunt subiti mala semina morbi:*

Principiis obsta; se:ò medecina paratur

Cum mala per longas invaluere moras,

r) *Ovid de Remed. Amor.*

Being the safest rule of *State-physick* we can follow in such new *desperate diseases*, which endanger the whole Body-Politicke. Upon which grounds the most consciencious Gentlemen and best Patriots of their Country opposed *Loans*, *Ship-money*, *Tonnage*, *Poundage*, *Knighthood*, and the late illegall *Impositions* of the King and his Councell in the very beginnings of them, and thought themselves bound in *Conscience*, *Law*, *Prudence* so to do, though there were some colourable reasons and precedents of former times pretended to countenance them. And if these Worthies conceived themselves thus obliged to oppose those illegall *Impositions* of the King and his Councel, though countenanced by some Judges opinions as legall, to their im-

*) *Exact Collection* p. 5. 6.
And their own
Declarations
17. Mar. 1648.
p. 7. &c.

mortal honour, and high esteem both in Country and Parliament, who applauded them as the * *principal maintainers of their Countries Liberties*; then much more ought I, and all other *tenderers of their own and Countries Freedom*, to oppose this *illegal dangerous Contribution* imposed on us by a few *fellow-Subjects only*, without yea against all Law or President to countenance it, being of greater consequence, and worse example to the Kingdom, then all or any of the Kings illegal projects or Taxes.

(*) In their
Declarations
March. 27.
1648. p. 26.

Seventhly, the excessivenesse of this Tax, much raised and encreased, when we are so exhalted, and were promised and expected ease from Taxes, both by the *Army in their Remonstrance, November 20. 1648.* and by the (*) *Imposers of it*, amounting to a sixth part, if not a moyety of most mens estates, is a deep Engagement for me to oppose it; since Taxes, as well as (s) *Fines and Amerciaments* ought to be reasonable; so as men may support themselves and their Families, and not be undone, as many will be by this, if forced to pay it by *Distresse or Imprisonment*. Upon this ground, in the *Parliament Records*, of 1 and 4 *Ed. the Third*, we find *divers freed from payment of Tenths, and other Taxes lawfully imposed by Parliament*, because the *People were impoverished and undone by the Warres*, who ought to pay them. And in the printed *Statutes of 31 Henr. 6. c. 8. 1 Maria c. 17.* to omit others, we find *Subsidies mitigated and released by subsequent Acts of Parliament*, though granted by precedent, by reason of the *peoples poverty any inability to pay them*. Yea sometimes we read of *something granted them by the King, by way of aid to help pay their Subsidies*, as in 25. *Edward 3. Royal Tax 9. and 36. Ed. 3. c. 14.* And for a direct president in point: When (r) *Peter Rubie the Pope's Legat* in the year 1240. exacted an excessive *unusual Tax from the English Clergie*; the whole Clergy of *Berk-shire* (and others) *did all and every of them unanimously withstand it*, tending him divers Reasons in writing of their refusal, pertinent to our time and present Tax; whereof this was one, *That the Revenues of their Churches scarce sufficed to find them daily food, both in regard of their smallness, and of the present dearth of Corn; and because there were such multitudes of poore people to relieve, some of which dyed*

s) *Mag. Chart.*
c. 14. 1 *E. 3.*
c. 6. *Cook. 2.*
Instit. p. 26.
27. 169. 170.

*) *Matt. Paris,*
p. 516.

dyed of Famin, so as they had not enough to suffice themselves and the poore. Whereupon THEY OUGHT NOT TO BE COMPELLED TO ANY SUCH CONTRIBUTION: which many of our Clergie may now likewise plead most truly, whose Livings are small, and their Tithes detained; and divers people of all ranks and callings, who must sell their stocks, beds, and all their household-stuffe, or rot in prison, if forced to pay it.

Eighthly, the principal inducement to bring on the payment of this Tax, is a promise of *taking off the all-devouring and undoing Grievance of Free-quarter*: which hath ruined many Countreys and Families, and yet they must pay this heavy Tax to be eased of it for the future, instead of being paid and allowed for what is *already past*, according to (u) *former engagements*. Against which I have these just exceptions,

1. That the taking of Free-quarter by Soldiers in mens Houses, is a grievance against the very Common-Law it self, which defines every mans House to be his Castle and Sanctuary, into which none ought forcibly to enter against his will; and which with his goods therein he may lawfully (x) *fortifie and defend against all intruders whatsoever, and kill them without any danger of Law*: Against all the Statutes concerning (y) *Parveyers*, which prohibit the taking of any mens goods or provisions against their Wills, or payment for them under pain of Felony, though by Commission under the great Seal of England. Against the expresse Letter and Provision of the Petition of RIGHT, 3. Caroli. Condemned by the Commons House in their (z) *Declaration of the State of the Kingdom of the 15. December, 1641.* and charged as an Article against King Richard the second when deposed, in the Parliament of 1 H. 4. nu. 22. Yea, it is such a Grievance, as exposeth the houses, goods, provisions, moneys, servants, children, wives, lives, and all other earthly comforts we enjoy, to the lusts and pleasure of every domineering Officer, and unruly common Souldier. Therefore absolutely to be abolished without any compensation: And to impose an unjust, heavy Tax, and induce people to pay it upon hopes of freeing them from *Free-quarter*, is but to impose one grievance upon pretext to remove another.

2. There have been many promises, Declarations and Orders of both Houses and the Generall, for taking off *Free quarter* heretofore,

(u) A Collection, &c. pag. 771.

(x) See Cook, 5. Report. f. 91, 92. Semans Case, 7 Rep. Sendels case. Lambert f. 179 Daltons Justice of Peace, 224. 24 H. 8. c. 5.
(y) See Rastal Title Parveyers.

(z) An exact Collect. p. 7.

upon the peoples paying in their Contributions before-hand, now ; and *then none should Free quarter on them, under pain of death* : Yet no sooner have they pay'd in their Contribution, but they have been freequartered on as much or more then formerly : the Souldiers, when we tell them of any Orders against Free-quarter, slighting them as so many wast papers, and carrying themselves more unruly : And when complaint thereof hath been made to the Officers, Members, or the Committee for the Army, or in the House ; answer hath still been made, *That as long as there is an Army on foot, there will be freequarter taken, and there can be no prevention of it, there being a necessity of it* : and when any have craved allowance of it, they have found so many put-offs and delays, and such difficulties in obtaining it, that their expences have equalled their allowance ; and after allowances made, the moneys allowed have been called for again. So as few have had any allowance for quarters, and most have given over suing for them, being put to play an *after-game* to sue for them after all their contributions first paid, and not permitted to deduct them out of their Contributions, as in Justice and reason they ought, which they are still enforced to pay without deduction. This pretext therefore of taking away Free-quarter, is but a *sheep-horn* to draw on the payment of this Tax, and a fair pretext to delude the *People*, as they finde by sad experience every-where, and in the County and Hundred where I reside. For, not to look back to the last yeers free-quarter taken on us (though we duly paid our Contributions,) In *April and May* last past, since this very Tax imposed for taking away Free-quarter, *Colonel Harrisons* Troopers under the command of *Captain Spencer*, (who quartered six days together in a place, and exacted and received most of them 3 s. others 3 s. 6 d. and the least 2 s. 6 d. a day for their Quarters, telling their Landlords, that their Lands, and the whole Kingdom was theirs) have put *Bathwick, Bathford, Claverton, Combe, Hampton, Soustock, Walcot and Widcombe*, small parishes in our Hundred and Liberty, as they will prove upon Oath, and given it me under their hands, to 94 li. 4 s. 3 d. charge ; beside their quarters in other parishes of the Hundred, *Sir Hardresse Walkers* Souldiers upon pretext of collecting arrears of Contribution not due from the hundred, put it to at least 30 l. charge more for free-quarter, they being very rude and disorderly ; and

no sooner were we quit of them, but on the 22 and 23 of *May* last, Col. *Hunk* his Foot under the conduct of Captain *Flower* and Captain *Eliot* pretending for *Ireland*, but professing they never intended to go thither, marching from *Minehead* and *Dunster* (the next Westerne Ports to *Ireland* further from it to oppress the Country, put *Barkwich*, *Langridge*, *Wolly*, *B-theaston*, *Katherin* and *Ford* to 28 l. 7 s. and *Swainswick* (where I live) to about 20 l. expences for two dayes Free-quarter (by colour of the Generals Order dated the first of *May*, being the rudest and debouisteft in all kinds, that ever quartered since the Warrs, and far worse then the worst of *Goring's* men, whereof some of them were the dreggs, and their Captain *Flower*, a Cavalier heretofore in arms (as is reported) against the Parliament. Their carriage in all places was very rude, to extort money from the people, drawing out their swords, ransacking their houses, beating and threatening to kill them, if they would not give them two shillings six pence, three shillings, three shillings six pence, or at least two shillings a day for their quarters, which when extorted from some, they took Free-quarter upon others, taking two, three, and some four quarters a man: At my house they were most exorbitant, having (as their Quarter-Master told me, who affirmed to me they had twice conquered the Kingdom, and all was theirs) *directions from some great ones above, from some others in the Country* (intimating some of the Committee,) and their own *Officers* (who absented themselves purposely, that the *Souldiers* might have none to controll them) to abuse me. In pursuance whereof, some thirty of them coming to my house, shouting and hollowing in a rude manner on *May* 22, when their Billet was but for twenty, not shewing any authority; but onely a Ticker, [Mr. *Prynn* — 20] climbed over my Walls, forced my doors, beat my servants and workmen without any provocation, drew their swords upon me, (who demanded whose Souldiers they were, by what authority they demanded Free-quarter, my house being neither Inne, nor Ale-house; and Free-quarter against Law and Orders of Parliament, and the Generals) using many high provoking Speeches, brake some of my windows, forced my strong-beer cellar-door, and took the key from my servant, ransacked some of my chambers under pretext to search for Arms, taking

taking away my servants clothes, shirts, stockings, bands, cuffs, handkerchiefs, and picking the money out of one of their pockets; hallowed, roared, stamped, beat the Tables with their Swords and Muskets like so many Bedlams, twearing, cursing, and blaspheming at every word; brake the Tankards, Bottles, Cups, Dishes wherein they fetched strong beer, against the ground, abused my maid servants, throwing beer & other good provisions at their heads, and casting it to the dogs, as no fit meat for Souldiers, and the Heads and Conquerors of the Kingdom, as they called themselves; searched the out-houses for Turkies, which they took for their eggs and young ones, Veal and Mutton being not good enough for them: They continued drinking and roaring before, at and after Supper, till most of them were mad-drunk, and some of them dead drunk under the Table. Then they must have 14 Beds provided for them (for they would lye but two in a Bed) and all their linnen washed: My Sister answering them, that there were not so many beds in the house, and that they must be content as other Souldiers had been, with such beds as could be spared; they thereupon threatned to force open her Camber door, and to pull her and her children out of their beds, unlesse she would give them three shillings a peece for their beds, and next dayes quarters; and at last forced her for feare of their violence (being all drunk) to give them eighteen pence a peece, as soon as they were forth of doors, and six pence a peece the next day, if they marched not; whereupon they promised to trouble the House no more. Upon this agreement all but eight (who were gone to bed) departed that night, and the rest the next morning. But I going to the Lecture at the *Bath*, some thirty of them in my absence came about ten of the clock, notwithstanding the moneys received of my Sister for their Quarters, re-entred the house, and would have Quarters again, unlesse she would give them three shillings a peece; which she refusing, they thereupon abused and beat the servants and workmen, forced them to drink with them all that day and night, swearing, cursing, roaring like so many Furies and Devils, brake open my Parlour, Milk-house, and Garden-doors, abused my Pictures and brake an hole in one of them, and hacked my Table-boards with their Swords from one end to the other, threw the

the chairs, stools, meat, drink about the house; assaulted my Sister, and her little children, and Maid-servants with their naked swords, threatening to kill them, and kick them to gelly, shot at them with their Musquets, forced them out of the house to save their lives: which I hearing of, repaired to my house, and finding them all so Bedlam mad, and that they would not hearken to any reason, nor be quieted, I thereupon rode to seek their Captain and Officers at *Bath*, who purposely absented themselves: and not finding them till the next morning, I acquainted the Captain then (as I had done the first night by Letter) with all these unsufferable outrages of the Souldiers (contrary to the Generals Order to carry themselves civilly in their Quarters, and abuse none in word or deed) which would render him and them odious, not onely to the Country and Kingdom, but all Officers and Souldiers who had any civility in them, and be a disparagement to the *Generall*, by whose Proclamation he ought to be present with his Company, to keep them in good order, under pain of cashiering: And therefore I expected and required Justice and Reparations at his hands; the rather, because I was informed by some of his own Souldiers and others, that they had not been so barbarously rude, but by his incouragement. which if he refused, I should complain of him to his Superiours, and right my self the best way I might. After some expostulations, he promised to make them examples, and cashier them, and remove them forthwith from my house: But the onely right I had, was, that more of his Company repaired thither, making all the spoil they could, and taking away some brasse and Pewter, continuing there till neer four of the clock; and then marched away onely out of fear I would raise the Country upon them; many of whom profered me their assistance: but I desired them to forbear till I saw what their Officers would do; who in stead of punishing any of them, permitted them to play the like *Rex* almost in other places where they quartered since, marching but three or four miles a day, and extorting what money they could from the Country by their violence and disorders. Now, for me, or any other to give moneys to maintain such debaish *Bedlams* and *Beasts* as these (*who boasted of their villainies, and that they had done me at least twenty pounds spoil in Beer*
and;

and Provisions, drinking out five barrells of good strong Beer, and wasting as much meat as would have served an hundred civill persons) to be Masters of our Houses, Goods, Servants, Lives, and all we have, to ride over our heads like our Lords and Conquerours, and take Free-quarter on us, amounting to at least a full yeers contribution, without any allowance for it, and that since the last Orders against Free-quarter, and Warrants for paying in this Tax to prevent it for the future, issued ; is so far against my Reason, Judgment and Conscience, that I would rather give all away to suppress discards, or cast it into the fire, then maintain such graceless wretches with it to dishonour God, enslave, consume, ruine the Country and Kingdom ; who every where complain of the like insolencies ; and of taking Free-quarter since the ninth of June, as above two hundred of Colonel Cox his men did in Bath the last Lords day ; who drew up in a Body about the Majors house, and threatned to seize and carry him away prisoner for denying to give them Free-quarter, contrary to the New Act for abolishing it. Lastly, This pretended Act implies, that those who refuse to pay this contribution without distresse or imprisonment shall be still oppressed with Free-quarter : And what an height of oppression and injustice this wil prove, not only to distrain and imprison those who cannot in conscience, Law or prudence submit to this illegall Tax, but likewise to undo them, by exposing them to Free-quarter, which themselves condemn as the highest pest and oppression, let all sober men men consider : and what reason I and others have to oppose such a dangerous, destructive president in its first appearing to the world. In few words ; As long as we keep an Army on foot, we must never expect to be exempted from Free-quarter or Wars, or to enjoy any peace or settlement : and as long as we wil submit to pay contributions to support an Army, we shall be certain our new Lords and Governors will continue an Army to over-aw and enslave us to their wils. Therefore the onely way to avoid free-quarter, and the cost and trouble of an Army, and settle peace, is to deny all future contributions.

Ninthly, The principal end of imposing this Tax to maintain the Army and Forces now raised, is not the defence and safety of our ancient and first Christian Kingdom of England, its Parliaments,

timents, Laws, Liberties and Religion, as at first; but to disinherit the King of the Crown of *England, Scotland, and Ireland*, (to which he hath an *undoubted right by common and Statute Law*; as the Parliament of 1 *Jacob* ch. 1. resolves) and to levie War against him, to deprive him of it: To subvert the ancient Monarchical Government of this Realm, under which our Ancesters have always lived and flourished, to set up a *New-Republick*, the oppressions and grievances whereof we have already felt (by increasing our Taxes, setting up arbitrary Courts and Proceedings to the taking away the lives of the late King, Peers, and other Subjects, against the fundamental Laws of the Land, creating new monstrous Treasons never heard of in the world before, and the like;) but cannot yet enjoy or discern the least ease or advantage by it: To overthrow the ancient constitution of the Parliament of *England*, consisting of King, Lords, and Commons, and the Rights and Priviledges thereof: To alter the fundamental Laws, Seals, Courts of Justice of the Realm, and introduce an arbitrary government at least, if not Tyrannical, contrary to our *Laws, Oaths, Covenant, Protestation, a publick Remonstrances and Engagements* to the Kingdom and forreign States, not to change the Government, or attempt any of the Premises. All which being no less then *High Treason* by the Laws and Statutes of the Realm (as Sir *Edward Cook* in his 4. *Institutes* ch. 1. and Mr. *S^t John* in his *Argument at Law*, upon passing the Bill of Attainder of the Earl of *Strafford* (both printed by the Commons special Order) have proved at large by many Precedents, Reasons, Records; and so adjudged by the last Parliament in the cases of *Strafford* and *Canterbury*, who were condemned and executed as Traitors by Judgment of Parliament, and some of these now sitting, but for some of those Treasons upon obscurer Evidences of guilt, then are now visible in other: I cannot submit thereto, without incurring the Crime and Guilt of these severall *High Treasons*, and the eternal, if not temporal punishments incident thereunto, if I should volutarily contribute so much as one penny or farthing towards such Treasonable and disloyal ends as these, against my Conscience, Law, Loyalty and Duty, and all my Oaths and Obligations to the contrary.

Tenthly, The payment of this Tax for the premised purposes,

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a) See An Exact collection: and a collection of publick Orders, &c. p. 99. 698. 700. 877. 878.

poses; will (in my poor judgment and conscience) be offensive to God and all good men, scandalous to the Protestant Religion, dishonourable to our English Nation, and disadvantageous and destructive to our whole Kingdom, hindering the speedy settlement of our Peace, the re-establishment of our Laws and Government, abolishing of our Taxes, disbanding of our Forces, revivall of our decayed Trade, by the renewing and perpetuating our bloody uncivill Warrs; engaging *Scotland, Ireland*, and all forreign Princes and Kingdoms in a just War against us, to avenge the death of our late beheaded King, the dis-inheriting of his posterity, and restore his lawfull Heirs and Successors to their just, undoubted Rights, from which they are now forcibly seclused; who will undoubtedly molest us with continuall Warrs (what-ever some may fondly conceit to the contrary) till they be settled in the Throne in peace upon just and honorable terms, and invested in their just possessions. Which were far more safe, honorable, just, prudent, and Christian for our whole Kingdom voluntarily and speedily to do themselves, then to be forced to it at last by any forraign Forces; the sad consequences whereof we may easily conjecture, and have cause enough to fear, if we now delay it, or still contribute to maintain Armies to oppose their *Titles*, and protect the Invaders of them, from publick Justice. And therefore I can neither in conscience, piety nor prudence, ensnare my self in the guilt of all these dangerous consequences, by any submission to this illegall Tax.

Upon all these weighty Reasons, and serious grounds of Conscience, Law, Prudence, (which I humbly submit to the Consciences and Judgments of all conscientious and Judicious persons, whom they do or shall concern) I am resolved by the assistance and strength of that Omnipotent God (who hath miraculously supported me under, and carried me through all my former sufferings for the Peoples publick Liberties with exceeding joy, comfort, and the ruine of my greatest enemies and Opposers) to oppugne this *unlawfull Contribution*, and the payment of it to the uttermost, in all just and lawfull wayes, I may; And if any will forcibly levie it by distresse or otherwise, without Law or Right (as Thieves and Robbers take mens goods and Purfes) let them doe it at their own

own utmost perill. I trust God and men will in due season do me justice upon them, and award me recompence for all their injuries in this kinde, or any sufferings for my Countries Liberties. How-ever, fall back, fall edge, I would ten thousand times rather lose life, and all I have, to keep a good conscience, and preserve my native Liberty, then part with one farthing, or gain the whole world with the losse of either of them; and rather die a Martyr for our *Ancient Kingdom*, then live a *Slave* under any new *Republick*, or remnant of a broken, dismembred, strange Parliament of Commons, without King, Lords, or the major part of the Knights, Citizens and Burgeses of the Realme, in being subject to their *illegal Taxes*, and what they call *Acts of Parliament*, which in reality are no *Acts* at all to binde me, or any other subject, to obedience, or just punishment for *Non-obedience* thereunto, or *Non-conformity* to what they stile the *present Government* of the Armies modeling, and I fear, the *Jesuites* suggesting, to effect our Kingdoms and Religions ruine.

WILLIAM PRYNNE.

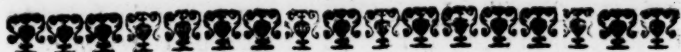
SWAINSWICK,
June 16, 1649.

PSAL. 26. 45.

I have not sate with vain persons, neither will I go in with Dissemblers: I have hated the Congregation of evill doers, and will not sit with the wicked.

FINIS.

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A POSTSCRIPT.



Since the drawing up of the precedent Reasons, I have met with a printed Pamphlet, intituled, *An Epistle written the 8th day of June, by Lieutenant Colonel John Lilburn, to Master William Lenthall Speaker to the remainder of those few Knights, Citizens and Burgesses that Col. Thomas Pride at his late purge thought convenient to leave sitting at Westminster, (as most fit for his and his Masters designs, to serve their ambitious and tyrannicall ends, to destroy the good old Laws, Liberties and Customs of England, the badges of our Freedom, as the Declaration against the King, of the 7th of March, 1648. p. 23. calls them) and by force of Arms to rob the people of their lives, estates and properties; and subject them to perfect vassallage and slavery, &c. who (and in truth no otherwise) pretendedly stile themselves, The Conservators of the Peace of England, or the Parliaments of England, intrusted and authorized by the consent of all the people thereof, whose Representatives by Election (in their Declaration last mentioned, p. 27. they say) they are; although they are never able to produce one bit of Law, or any piece of a Commission to prove, that all the people of England, or one quarter, tenth, hundred or thousand part of them authorized Thomas Pride, with his Regiment of Souldiers, to chuse them a Parliament, as indeed it hath *de facto* done by this PRETENDED MOCK-PARLIAMENT: And therefore it cannot properly be called the Nations or Peoples Parliament: but Col. Prides and his Associates, whose really it is: who, although they have beheaded the King for a Tyrant, yet walk in his oppressingeft steps, if not worse and higher.*

^a) His Petition and Appeal, &c his arrow of Defiance. See Mr. Edwards *Gangrene*, 3 p. 122. 154. f. 204.

In this Epistle, this late great champion of the House of Commons, and sitting Justice's Supremacy, both before and since the Kings beheading, who with his Brother ^a Overton and their Confederates, first cryed them up as, and gave them the Title of The Supreme Authority of the Nation: The onely Supreme Judiciary

tory of the Land : The onely formall and legall Supreme power of the Parliament of England, in Whom alone the power of binding the whole Nation by making, altering, or abrogating Laws, without either King or Lords, resides, &c. and first engaged them by their Pamphlets and Petitions, against the King, Lords, and Personall Treaty, (as he and they print and boast in ^b this Epistle, and other late Papers) ^b both in his own and his Parties behalf (who of late so much adored them, as the onely earthly Deities and Saviours of the Nation) now positively assert and prove

Pag. 11, 19.

First, ' That ^c Commissary General Ireton, Colonel Harrison, ^c with other Members of the House, and the General Council of Officers of the Army, did in several Meetings and Debates at Windsor, immediatly before their late march to London to purge the House, and after at White-hall, commonly stile themselves the pretended Parliament (even before the Kings beheading) a MOCK PARLIAMENT, a MOCK POWER, a PRETENDED PARLIAMENT; & NO PARLIAMENT AT ALL : And that they were *absolutely resolved* and determined TO PULL UP THIS THEIR OWN PARLIAMENT BY THE ROOTS, and not so much as to leave a shadow of it; yea, and had done it, if we (say they) and some of our then FRIENDS in the House, had not been the Principal Instruments to hinder them: *We judging it then of two evils the least, so chuse rather to be governed by THE SHADOW OF a PARLIAMENT, than if we could get a reall and a true one* (which with the greatest protestations in the world they then promised and engaged with all their might speedily to effect) *then simply, solely and onely by the Will of Sword-men, Whom we had already found to be men of no very tender consciences.*

Pag. 34, 35.

If then these leading, swaying members of the new pretended purged Commons Parliament and Army, deemed the Parliament even before the Kings beheading, a Mock-parliament, a mock-power, a pretended Parliament, yea, no parliament at all; and *absolutely resolved to pull it up by the roots* as such, then it necessarily follows, First, That they are much more so after the Kings death, and their suppression of the Lords House, and purging of the Commons House to the very dregs, in the opinions and consciences of those now sitting, and all other rationall men. And no wayes enabled by Law to impose this or any other new Tax or

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Act upon the Kingdom, creating new *Treasons* and *Penalties*. Secondly, that these grand saints of the *Army* and *Stearsmen* of the Pretended *Parliament* knowingly sit, vote and act there against their own judgements and consciences, for their own private, pernicious ends. Thirdly, that it is a baseness, cowardize, and degeneracy beyond all expression, for any of their fellow-members now acting, to suffer these *Grandees* in their *Assembly* & *Army*, to sit or vote together with them, or to enjoy any Office or command in the *Army*, or to impose any tax upon the People to maintain such Officers, Members, Souldiers, who have thus villified, affronted their pretended *Parliamentary Authority*, and thereby induced others to conern and question it: and as great a baseness in others for to pay it upon any terms.

(d) Pag. 26, 27

Secondly he there affirms that (d) *Oliver Cromwell* by the help of the *Army* at their first Rebellion against the Parliament, was no sooner up, but like a perfidious, base, unworthy man, &c. the House of Peers were his only white boys, and who but *Oliver* (who before to me had called them in effect both *Tyrants* and *Usurpers*) became their *Protector*, where ever he came; yea and set his son *Ireton* at work for them also; insomuch that at some meetings, with some of my friends at the Lord *Whartons* lodgings, he clapt his hand upon his breast, and to this purpose, *professed in the sight of God upon his conscience*, THAT THE LORDS HAD AS TRUE A RIGHT TO THEIR LEGISLATIVE & JURISDICTIVE POWER OVER THE COMMONS AS HE HAD TO THE COAT UPON HIS BACK, and he would procure a friend, viz. Master *Nathaniel Fiennes*, should argue and plead their just right with any friend I had in *England*. And not only so, but did he not get the *General* and *Council of War* at *Winsor* (about the time that the Votes of no more addressees were to pass) to make a Declaration to the whole world, declaring THE LEGAL RIGHT OF THE LORDS HOUSE, & THEIR FIXED RESOLUTION TO MAINTAIN & UPHOLD IT? which was sent by the *General* to the *Lords* by Sir, *Hardresse Waller*: and to inclear himself the more unto the *Lords* in whose house without all doubt he intended to have fate himself, he requited me evil for good; and became my enemy to keep me in Prison, out of which I must not stirre, unless I would stoop and acknowledge

knowledge the Lords jurisdiction over Commoners; and for that end he sets his agents and instruments at work to get me to do it: yet now they have suppressed them.

Whence it is most apparent, 1. That the *General, Lieutenant General Cromwel, Ireton, Harrison*, and other Officers of the Army now sitting as Members, and over-ruling all the rest, have wittingly acted against their own knowledges, Declarations, Judgments, Consciences in suppressing the Lords House; and depriving them of their *Legislative and Jurisdictional* Right and power, by presuming to make Acts, passe sentences, and impose Taxes without them, or their assents in Parliament. 2. That this Tax enforced upon the Commons and Kingdom, for their own particular advantage, pay and enrichment, is in their own judgement and conscience, both unjust and directly contrary to the Laws of the Realm, being not assented to by the Lords: and therefore to be unanimously and strenuously opposed by all who love their own or Countries Liberties, or have any Nobility, or Generosity in them.

Thirdly, he (e) there asserts in positive terms in his own behalf, and his confederates; That the purged Parliament now sitting, is but a pretended Parliament, a mock-Parliament; yea, and in plaine English, NO PARLIAMENT AT ALL, but the shadow of a Parliament. That those Company of men at Westminster, that gave Commission to the High Court of Justice to try and behead the King, &c. were no more a Parliament by Law or Representatives of the People, by the rules of Justice and Reason, then such a company of men are a Parliament or Representative of the People, that a company of armed Thieves choose and set apart to try, judge, condemne, hang or behead any man that they please, or can prevaile over by the power of their Swords, to bring before them by force of arms, to have their lives taken away by pretence of JUSTICE, grounded upon rules meerly flowing from their Wills and Swords. That no Law in England authoriseth a company of servants to punish and correct their Masters, or to give a Law unto them, or to throw them at their pleasure out of their power, and set themselves downe in it; which is the Armies case with the Parliament, especially at Thomas Pride's late purge, which was an absolute dissolution of the very Essence and being of the House

(e) Pag. 34.

39, 40, 56, 47.

House of Commons; to set up indeed a *MOCK-POWER*, and a *MOCK-PARLIAMENT*; by purging out all those, that they were any way jealous of, would not Vote as they would have them; and suffering and permitting none to sit but (for the Major part of them) a company of absolute School-boys, that will, like good Boys, say their Lessons after them their Lords and Masters, and vote what they would have them: and so be a skreen betwixt them and the people, with the name of Parliament, and the shadow and imperfect image of Legal and Just Authority to pick their pockets for them by Assessments and Taxations; and by their arbitrary and tyrannical Courts and Committees (the best of which is now become a perfect *Star-chamber*, *High-Commission*, and *Councel-board*) make them their perfect slaves and vassals. With much more to this purpose.

If then their Principal admirers, who confederated with the Army, and those now sitting, in all their late proceedings; and cryed them up most of any, as the Parliament and supreme Authority of England before, at, and since the late force upon the House, and its violent purgation, do thus in print professedly disclaim them, for being any real *Parliament* or *House of Commons*, to make *Acts* or impose *Taxes* upon the people; the secluded *Members*, *Presbyterians*, *Royallists*, and all others, have much more cause and ground to disavow and oppose their usurped Parliamentary authority and illegal Taxes, Acts, as not made by any true *English Parliament*, but a *Mack-Parliament* only.

(f) Pag. 52. 53. 56. 57. 58. 59. Fourthly, He therein futher avers: (f) 'That the death of the King, in Law indisputably dissolves this Parliament, ipso facto, though it had been all the time before never so intire and unquestionable to that very hour. That no Necessity can be pretended for the continuance of it; the rather, because the men that would have it continue so long as they please, are those who have created these necessities on purpose, that by the colour thereof they may make themselves great and potent. That the main end wherefore the Members of the Commons house were chosen and sent thither, was, To treat and conferr with King Charles and the House of Peers, about the great affairs of the Nation, &c. And therefore are but

' a third part, or third estate of that Parliament, to which they
 ' were to come and joyn with, and who were legally to make
 ' permanent and binding Laws for the people of the Nation.
 ' And therefore having taken away two of the three Estates
 ' that they were chosen on purpose to joyn with to make Laws,
 ' the end both in reason and law of the peoples trust is ceased :
 ' for a Minor joyned with a Major for one and the same end,
 ' cannot play Lord paramount over the Major, and then do
 ' what it please; no more can the Minor of a Major; viz. one
 ' Estate of three, legally or justly destroy two of three, without
 ' their own assent, &c. That the House of Commons sitting
 ' freely within it's limited time, in all its splendor of glory,
 ' without the awe of armed men, neither in Law, nor in the
 ' intention of their Choosers were a Parliament; and therefore
 ' of themselves alone have no pretence in Law to alter the con-
 ' stitution of Parliaments, &c. concluding thus: *For shame* let
 ' no man be so audaciously or sottishly void of reason, as to call
 ' *The Prides* pittifull Junto A PARLIAMENT, especially
 ' those that called, avowed, protested and declared again and a-
 ' gain those TO BE NONE that sate at *Westminster*, the 26, 27.
 ' Dec. of *July* 1647. when a few of their Members were scared
 ' away to the Army, by a few hours tumult of a company of a
 ' few disorderly Apprentices. And being no representative of
 ' the People, much lesse A PARLIAMENT, what pretence of
 ' Law, Reason, Justice or Nature can there be for you to alter
 ' the constitution of Parliaments, and force upon the people
 ' the shew of their own wills, lusts and pleasures for Lawes
 ' and Rules of Government, made by a PRETENDED E-
 ' VERLASTING, NULLED PARLIAMENT, a Councel
 ' of State, or Star-Chamber and a Councel of War, or rather
 ' by *Fairfax, Cromwell and Ireton*.
 ' Now if their own late confederates and creatures argue thus
 ' in print against their continuing a Parliament, Jurisdiction,
 ' Proceedings, Taxes, and arbitrary pleasures, should not all others
 ' much more doe it, and oppose them to the utmost upon the
 ' selfe same ends?
 ' Fifthly, He here likewise affirms, (g) that those now sit-
 ' ting at *Westminster* have perverted the ends of their trusts

(g) pag. 53, 54.
 59-41.

' then ever *Strafford* did: 1. In not easing the people of, (but en-
 ' creasing) their greivances. 2. In exhausting their Estates to
 ' maintain and promote pernicious *Designes* to the peoples de-
 ' struction. The King did it by a little *Ship-mony* & *Monopolies* ;
 ' but since they began, they have raised and extorted more mo-
 ' ny from the People and Nation then half the Kings since the
 ' Conquest ever did ; as particularly : 1. By *Excise*, 2. *Contribu-*
 ' tions. 3. *Sequestrations* of lands to an infinite value. 4. *Fift*
 ' part. 5. *Twentyeth* parts. 6. *Meal-mony*. 7. *Sale* of plunde-
 ' red goods. 8. *Loanes*. 9. *Benevolencies*. 10. *Collections* upon
 ' their fast days. 11. *New impositions* or customs upon *Merchan-*
 ' dize, 12. *Guards* maintained upon the charge of private men.
 ' 13. *Fifty Subsidies* at one time. 14. *Compositions* with *Delin-*
 ' quents to an infinite value. 15. *Sale* of *Bishops* lands. 16. *Sale* of
 ' *Dean and Chapters* lands : and now after the wars are done.
 ' 17. *Sale* of *King, Queen, Prince, Duke* and the rest of the
 ' *Childrens* revenues. 18. *Sale* of their rich goods which cost an
 ' infinite sum. 19. to conclude all, a *Taxation* of ninety thou-
 ' sand pounds a month : and when they have gathered it preten-
 ' dingly for the *Common-wealths* use, divide it by thousands and
 ' ten thousands a peece amongst themselves, and wipe their
 ' mouths after it, like the impudent Harlot, as though they had
 ' done no evil ; and then purchase with it publick Lands at small
 ' or trivial values : O brave Trustees ! that have protested before
 ' God and the world, again and again in the day of their straits
 ' they would never seek themselves, and yet besides all this divide
 ' all the choicest and profitablest Places of the Kingdom among
 ' themselves. Therefore when I seriously consider, how many
 ' men in Parliament and elsewhere of their Associates (that
 ' judge themselves the onely Saints and Godly men upon the
 ' earth) that have considerable (and some of them vast) estates
 ' of their own inheritance, and yet take five hundred, one two,
 ' three, four five thousand pounds *per annum* Salaries, and o-
 ' ther comings in by their places, and that out of the too much
 ' exhausted Treasury of the Nation, when thousands not only of
 ' the people of the world, as they call them, but also of the preci-
 ' ous redeemed Lambs of Christ, are ready to starve for want of
 ' bread. I cannot but wonder with my self, whether they have a
 ' ny conscience at all within them or no ; and what they think of
 ' that

that saying of the spirit of God, *That whose hath this world, goats, and seeth his brother hath need; and butteth up his bowels of compassion from him* (which he absolutely doth that any way takes a little of his little from him) *how dwelleth the love of God in him* 1 John 3. 17. These actions and practices are so far from being like the true and reall children of the most High, *that they are the highest oppression, theft and murd'ring in the world*, to rob the poor in the day of their great distresse by *Excise, Taxations, &c.* to maintain their pomp, superfluities and debauchery, when many of those from whom they take it, do perish and starve with want & hunger in the mean time, and be deaf and Adamant-hearted to all their TEARES, CRYES, LAMENTATIONS, MOURNFUL HOWLINGS, GROANES. Without all doubt, these pretended, Godly Religious men, have got a degree beyond those Atheists or Fools, *that say in their hearts, there is no God.* Psal. 14. 1. and 53. 1. 3. In quite destroying the peoples essentiall Liberties, Laws and Freedoms, & in leaving them no Law at all (as Mr. Peters their grand Teacher averred lately to my face we had none) but their meer will and pleasures; *saving Fellons Laws, or Martiall Law, where new Butchers are both Informers, Parties, Jury-men and Judges, who have had their hands imbrowed in blood for above seven these years together, having served an apprenticeship to killing of men for nothing but money, and so are more bloodie then Butchers that kill sheep and calves for their own livelihood; who yet by the Law of England, are not permitted to be of any Jury for life and death: because they are conversant in shedding of blood of beasts, and thereby through a habit of it may not be so tender of the blood of men, as the Law of England, Reason and Justice would have them to be.* Yea, do not these men by their swords, being but servants, give what Laws they please to their Masters the pretended Law-makers of your House, now constituted by as good and legall a power as he that robs and kills a man upon the highway.

And if this be the verdict of their own Complices & Partizans concerning them & their proceedings, especially touching their exhausting our Estates by Taxes, and sharing them among themselves in the time of famine and penury (as the

great Officers of the Army and Treasurers who are Members now doe, who both impose what Taxes they please, and dispose of them to themselves and their creatures, as they please, contrary to the practice of all former ages, and the rules of reason and justice too) are not all others bound by all bonds of conscience, Law, Prudence to withstand their impositions and Edicts unto death, rather then yeild the least submission to them?

(h) Pag. 2. 15.
27. 29. 33. 34.
35 41. 53. 57.
58. 59. 64. 65.
75.

(i) See Pag. 91.
32.

Sixthly, He there avers, proves and offers legally to make good, before any indifferent Tribunal, that the(h) Grantees and other-
ruling Members of the House and Army are not only, a pack of
dissembling, Juggling Knaves and Machevillians, amongst whom
in consultation hereafter he would ever scorn to come, for that
there was neither faith, truth nor common honesty amongst them:
but likewise Murderers; who had shed mens blood against
Law, as well as the King, whom they beheaded; and therefore
by the same Texts and arguments they used against the King,
their blood ought to be shed by man, and they to be surely put to
death without any satisfaction taken for their lives, as Traytors,
Enemies, Rebels to, and (i) conspirators against the late King
(whom they absolutely resolved to destroy though they did
it by Martial Law) Parliament, Kingdome and the peoples
Majesty and Sovereignty; That the pretended House and Army
are guilty of all the late crimes in kinde, though under a
new Name and notion, of which they charge the King in their
Declaration of the 17. of March 1648. that some of them
more legally deserve death, then ever the King did: and con-
sidering their many Oathes, Covenants, Promises, Declarati-
ons, and Remonstrances to the contrary (with the highest pro-
mises and pretences of good for the people and their declared
Liberties that ever were made by men) the most perjured, pernicious,
fulse, faith and Trust-breakers, and Tyrants that ever
lived in the World: and ought by all rational and honest men
to be the most detested and abhorred of all men that ever breath-
ed, by how much more under the pretence of friendship and
brotherly kindness they have done all the mischief they have
done in destroying our Lawes and liberties; there being no
Treason like Judas his Treason, who betrayed his Lord and Ma-
ster with a kisse, &c. And shall we then submit to their Taxes
and new Acts, or trust them with our estates, lives, liberties, and the

the supreme power, if such now in their own late adorers eyes
 Seventhly, He there asserts, (k) *That whosoever stoops to* (k) P. 57. 34.
their new change of Government and Tyranny, and supports it,
is as absolute a Traitor both by Law and Reason, as ever was
in the world; If not against the King, PRINCE CHARLES,
(heir apparent to his Fathers Crown and Throne) yet against
the peoples Majesty and Sovereignty. And if this be true, as it
is, That this purg'd Parliament IS NO PARLIAMENT AT
ALL; then there is neither legal Judges nor Justices of Peace
in England. And if so, then all those that are executed at Ti-
burn &c. by their sentence of condemnation are meerly mur-
dered, and the Judges and Justices that condemned them are
liable in time to be hanged (and that justly) therefore for act-
ing without a just and legal Commission: either from TRUE
REGAL OR TRUE PARLIAMENTARY POWER: (ex-
cept in corporations only where they proceed by ancient Char-
ters in the Ancient Legal form).

And if this be Law and (l) Gospel (as no doubt it is) then
 by the same reason, not only all legal proceedings, Indictments,
 Judgments, Verdicts, Writs, Tryals, Fines, Recoveries, Recogni-
 fances, and the like before any of our new created Judges and
 Justices since the Kings beheading in any Courts at Westminster,
 or in their Circuits, Assises, or quarter Sessions, held by new
 Commissions, with all Commissions and Proceedings of Sheriffs,
 are not only meerly void, illegal, & coram non judice to all in-
 tents, with all Bills, Decrees, and Proceedings in Chancery, or
 the Rolls; and all Judges, Justices Sheriffs, now acting, and
 Lawyers practising before them in apparent danger of High-
 Treason both against King, Kingdom, they neither taking the
 Oathes of Judges, Supremacy or Allegiance as they ought by
 Law; but only to be true and faithful to the new Erected State;
 but likewise all votes and proceedings before the pretended
 House or any of their Committees, or Sub-Committees in the
 Country, with all their Grants and Offices, Moneys, Salaries,
 Sequestrations, Sales of Lands or goods, Compositions &c. meer
 Nullities and illegal acts, and the proceedings of all active Com-
 missioners, Assessors, Collectors, Treasurers, &c. and all o-
 ther Officers employed to levy and to collect this illegal tax to
 support that usurped Parliamentary Authority, and Army, which
 have

(l) Luk. 19. 14.
 27. c. 12. 13. 14

have beleaded the late King, disinherited his undoubted Heir, levied war against and dissolved the late Houses of Parliament, subverted the ancient Government of this Realm, the constitution and Liberties of our Parliaments, the Lawes of the Kingdom, with the Liberty and property of the people of England, no less then High Treason in all these respects, as is fully proved by Sir Edward Cook in his 3. Institutes, ch. 1. 2. and by Mr. St. John in his Argument at Law at the attainder of the Earl of Strafford, both published by the late Commons House Order, which I desire all who are thus employed, to consider; especially such Commissioners who take upon them to administer a new unlawful Ex-Officio Oath to any to survey their Neighbours, and their own estates in every parish, and return the true values thereof to them upon the new prov'd rate for the 3 last months contribution, and to fine those who refuse to do it (a meer diabolical invention to multiply perjuries to damne mens souls, invented by Cardinal Wolsey, much enveighed against by Father Latimer in his Sermons, condemned by the expresse words of the Petition of Right, providing against such Oathes; and a snare to enthrall the weaker sort of people by discovering their estates, to subject them to what future Taxes they think fit) when as the whole House of Commons in no age had any power to administer an Oath in any case whatsoever, much less then to conferre any authority on others to give such illegall Oathes, and fine those who refuse them, the highest kind of Arbitrary Tyranny both over mens Consciences, Properties, Liberties; to which those who voluntarily submit deserve not only the name of Traytors to their Country, but to be (m) boared through the ear, and they and their posterities to be made Slaves for ever to these new Tax-masters and their Successors; and those who are any wayes active in imposing or administering such Oathes, and levying illegall Taxes by distr. or otherwise, may and will undoubtedly smart for it at last; not only by Actions of Trespasse, false Imprisonment, Accompr, &c. brought against them at the Common Law, when there will be no Committee of Indemnity to protect them from such suits, but likewise by inditements of High Treason, to the deserved losse of their Estates, Lives, and ruine of their families when there wil be no Parliament of purged Commoners, nor Army to secure, nor legal plea to acquit them from the guilt and punish-

(m) Exod. 21.
5.6.

punishment of *Traitors* both to their *King* and *Country*; pretended present sordid fear of loss of *Liberty*, *Estates*, or the like, being no ⁿ *excuse* in such a *case* and *time* as this, but an higher aggravation of their crime: the ° **FEARFUL** being the first in that dismall list of *Malefactors*, who shall have part in the lake which burneth with fire and brimstone, which is the second death; even by Christs own sentence.

n) See 1. H. 4.
Rot. Par. n 97.
o) Rev. 21. 8.

JOHN 18. 34.

*To this end was I born, and for this cause came I into the world,
that I should bear witness unto the truth.*

FINIS.
